

Regular Meeting

The 1446th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, June 21, 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 Ben Tamsky, Rob Marseglia, Bob Mercer, and John Prue; Alternates Frances Hoffman, Curtis Lynch, and Gardner Young; and Acting Director of Planning / Town Planner Keith Brynes.

Minutes: #1443, May 17, 2011, approved, not signed; #1444, May 24, 2011, approved, not signed; #1445, June 7, 2011

Seated for approval of the minutes were Mr. Swenarton, Mr. Tamsky, Mr. Marseglia, Mr. Lynch, and Mr. Young

Mr. Marseglia made a motion to approve the June 7, 2011 minutes. Mr. Tamsky seconded. The minutes were approved, 4-0-1.

Roll Call: Young – approve, Lynch – approve, Tamsky – approve, Marseglia – approve, Swenarton - abstain

Reports:

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

ZBA #11-10 Catherine Moffett – Seeking a variance from ZR 5.1.1 front yard setback from 30' to 4' for an existing shed. Property located at 5 Allyns Alley, Mystic. Assessor's Map 177 Block 7 Lot 9. Zone RA-20.

ZEO Larkin recommended approving the waiver of the A-2 survey.

Mr. Tamsky made a motion to approve the waiver of the A-2 survey. Mr. Lynch seconded. The motion was unanimously approved, 5-0.

Zoning Enforcement & Violations:

Mr. Tamsky asked about enforcement of the banner violations at the Seaport's Latitude 41 restaurant mentioned at the last meeting. Mr. Mercer said he had filed a signage complaint against the Ramada and Mr. Tamsky the Mystic Seaport Restaurant. Mr. Brynes said he met with a representative of Latitude 41, noting that some of the banners had been taken down and both the Seaport and the Ramada had been sent Notices of Violation.

Mr. Prue discussed work environment issues in the Planning Department, specifically a disagreement regarding approval of a swimming pool in a non-infringement zone. Chairman Swenarton indicated he would look into the issues and confer with the First Selectman. Ms. Hoffman and Mr. Marseglia commented on department policies and procedures, indicating the need for a description of processes to inform the public. Mr. Brynes noted that the subject would be placed on the next agenda for further discussion.

Public Hearings: 7:30 p.m.

Seated for the Public Hearings were Mr. Swenarton, Mr. Tamsky, Mr. Marseglia, Mr. Mercer, and Mr. Prue

PZ1114RA Mystic Seaport Museum & Sea Research Foundation - Zoning Regulations Text Amendment to Section 7.12.7.7 Special Detached Banners. *Continued from 6/7/11*

Ken Wilson, Director of Facilities for Mystic Seaport, explained that he and Brian Kent had met with Mr. Brynes regarding the signage violations and the restaurant had removed the signs. He clarified that the remaining violating signage is located at the restaurant Latitude 41, a tenant of the Seaport, not the Seaport itself. He noted that the tenants are aware of the violation, and he had personally spoken with them, asking them to remove the signs. Brian Kent of Kent + Frost summarized the proposed regulation, noting that the downtown Mystic area component has been removed from the application. He explained that the regulation focused on the Route 27 / Greemanville Ave., located within the MHD and TC-80 Zones, and banners attached to light poles within parking lots with a minimum of

Regular Meeting

500 parking spaces (no more than 1 per 15 spaces), and display areas of non-profit organizations in the MHD or TC-80 zones. Two (2) banners apiece could be hung on either light or decorative poles. Mr. Kent presented visual graphics showing the non conforming banners at the Aquarium and other examples from the region. When asked, he replied that the Seaport has a total of 1,136 parking spaces and the Aquarium has 650.

The Commission discussed the specifics of the regulation and Seaport enforcement with Mr. Prue concerned that the regulation would continue with the property and not the non-profit organization. Mr. Wilson noted that the Seaport does have several properties in that zone under contract for sale but they would not be sold to 501(c)(3) corporations. There was discussion of the requirements for submittal of the banner program on an annual basis. Consensus was that the annual renewal would not need to be a formal Site Plan Approval so long as the basic banner program does not change. Mr. Kent explained that the "display areas" mentioned in the regulation meant any public area on the campus, however the number of banners would still be limited by the number of parking spaces.

Public Comment Against: Carlene Donnarummo thought the amendment text was too broad and suggested making the text more specific. She also discussed existing number of parking spaces and allowable number of banners, ground clearance, height, display areas, and maneuvering area. She was against banners being placed in areas other than parking lots.

Public Comment: Dora Hill questioned the text regarding the requirements for calculation of parking spaces/lots for allowed number of banners.

Staff: Mr. Brynes mentioned that the current regulations allowed for banners to be placed on decorative poles.

Rebuttal: Mr. Kent referenced the section specifying the formula for banner height, discussing banner width, non-profit status, and clarification of any reduction in density. Mr. Kent stressed the Seaport's goal of being tasteful with signs and banners in this historic area. Mr. Tamsky discussed the signage violations at Latitude 41 restaurant. Mr. Marseglia felt that the violations of a tenant were not relevant to the Seaport's regulation amendment.

Chairman Swenarton polled the Commission about continuing the public hearing. The Commission felt questions to still consider include desired maximum banner width and possible removal of the term "display areas."

Mr. Prue made a motion to continue the public hearing to the July 19th meeting to be held at the Pawcatuck Middle School. Mr. Tamsky seconded. Mr. Brynes asked the applicant for permission to extend the Public Hearing. The motion to continue was approved, 4-1.

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

PZ1111RA Masons Island Landing, LLC (John Casey) - Zoning Regulations Text Amendment to Section 1.2.2 Definitions, Specific: additions and/or changes include: Building, Principal; Floor; Floor Area Gross (GFA); Headroom, Structural; and Roofed Over Space.

Attorney John Casey of Robinson and Cole discussed the proposed amendment highlighting the inconsistencies in the regulations in regards to counting gross floor area in Flood Hazard Zones. They proposed adding three new definitions to the regulations: Building, Principal; Headroom, Structural, and Roofed Over Space. Mr. Mercer, speaking as an architect, stated that the regulations are ambiguous. Mr. Marseglia asserted that the applicant just wanted garage doors and Mr. Tamsky stated that enclosed space needed to be counted as FAR and should be taxed as such.

The developer, Genaro Martorelli, of Masons Island Landing, LLC, reviewed the history of the application and litigation discovery. He submitted a petition of over one hundred signatures in favor of this application. Commission members discussed various issues that cause problems interpreting the regulations.

Regular Meeting

Public Comment in Favor: Robert Johnson, H. Bruce Fielding, Peter Briggs

Public Comment Against: Dora Hill

Public Comment: Carlene Donnarummo

Staff: Mr. Brynes read letters from the Conservation Commission and the DEP, and noted that if approved, the effective date of the regulation amendment would be July 11, 2011.

Rebuttal: Attorney Casey addressed issues, noting that the lack of comments by Zoning and Building Staff showed that they had no issues with the changes. Mr. Martorelli stated that the new regulation is less ambiguous and protects the rights of people living in the flood zone. After much research, the Town never counted areas under the base flood elevation as floor area until 3 years ago when the Zoning Official reviewed their application.

Ms. Hoffman was concerned about such a significant change in interpretation. Mr. Mercer commented that as a practicing architect he has seen a shift over the years. Mr. Brynes thought that there had been a shift.

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

Mr. Marseglia made a motion to approve the application. Mr. Mercer seconded. Mr. Marseglia made two text wording changes. Mr. Marseglia withdrew his motion and Mr. Mercer withdrew his second.

Mr. Marseglia made a motion to approve with the following two revisions:

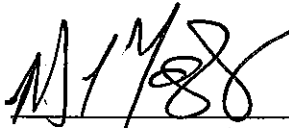
1. Amend the 3rd sentence of the definition of "Roofed Over Space" to read, "For an Accessory Building, the area of every floor under a roof is counted as roofed over space."
2. Amend the last sentence of the definition of "Roofed Over Space" to read, "Roofed Over Space does not include the following areas if they are not under a roof: terraces, patios, open porches..."

Mr. Mercer seconded. The motion was approved 3-2.

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

Mr. Prue made a motion to conduct a Public Hearing on **PZ1119 Hendels, Inc.** - Site plan application to consolidate two lots and construct a 20-foot paved strip to facilitate relocation of a dumpster and a parking space at convenience store/motor vehicle fuel pumping facility. Property located at 466 Liberty Street, Pawcatuck, CT. Assessor's Map 20 Block 3 Lots 1 & 2. Zone HI-60. 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. The meeting was adjourned at 11:59 P.M.

 8/2/11
 Rob Marseglia, Secretary