

Special Meeting

The 1447th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, July 19, 2011 at Pawcatuck Middle School, 40 Field Street, Pawcatuck, Connecticut. The meeting was called to order by Chairman John Swenarton at 7:03 P.M. Present were Commissioners Ben Tamsky, Rob Marseglia, Bob Mercer, and John Prue, and Acting Director of Planning / Town Planner Keith Brynes. Alternates Frances Hoffman and Curtis Lynch arrived at 7:11 PM and 7:19 PM, respectively. Alternate Gardner Young was absent

Seated were John Swenarton, Ben Tamsky, Rob Marseglia, Bob Mercer, and John Prue.

Approval of Minutes:

Mr. Marseglia made a motion to approve the minutes of June 21, 2011. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

Correspondence: Mr. Brynes reviewed recently passed Connecticut Public Act 11-5 which amends CT General Statutes §8-3(m) to extend the time in which previously approved Site Plans are valid from 6 years to 9 years as long as they have not expired. After nine years the Commission may extend such approvals for an additional 5 years for a total of 14 years. This includes site plans, subdivisions & wetlands, and does not apply to newly approved projects. The change was due to the recent difficult economic climate.

Reports:

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

ZBA #11-13 Peter Watrous Carpentry LLC – Seeking a variance from ZR 5.1.1 to reduce side yard setback from 75' to 25' and reduce the non-infringement area from 100' to 35' for the construction of a single family residence. Property located at Clarence Ave., Pawcatuck. Assessor's Map 10 Block 3 Lot 1 Zone RC-120.

Mr. Brynes requested that the application be tabled until the ZEO can review the A-2 survey waiver.

Zoning Enforcement & Violations:

Review of Rob Holland Pool Zoning Permit and Certificate of Zoning Compliance (ZON11-045 & ZON10-109). Chairman Swenarton stated that he has requested a meeting with the First Selectman regarding this issue. Mr. Prue reviewed his written summary of this issue. Mr. Swenarton agreed that department processes needed to be addressed and directed Staff regarding procedures and conflict resolution.

Administrative Review:

PZ1101SUP Pacako, LLC (Pita Spot) – Approved 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. Commission interpretation of conformance with Special Use Permit Approval regarding location of outdoor seating.

Mr. Prue recused himself stating he had an unplanned conversation with the complainant's attorney. Chairman Swenarton seated Ms. Hoffman for the application.

Mr. Brynes reviewed the history of the application and the enforcement issues related to previous approvals for the site. A letter from the complainant's attorney, Scott Sawyer was submitted to the Commission. Mr. Tamsky requested that the applicant submit an engineered site plan. The Commission agreed with the Mr. Tamsky's request.

PZ0935SUP & GPP Bassam Awwa – Special Use Permit and Groundwater Protection Permit applications for construction of a 4,026 square foot medical clinic with associated parking, landscaping, drainage, utilities, & new

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detention basin. Property located at 118 South Broad St., Pawcatuck. Assessor's Map 25 Block 1 Lot 9. Zone LS-5.
Request modification of parking layout for approved special use permit.

Mr. Brynes summarized the previous requirements for the loading zone, noting that a recent regulation amendment modified the 50-ft loading zone requirement for buildings less than 5,000 sq ft when the use did not require heavy loading.

The applicant's Architect, Barun Basu, presented the change to the approved plan depicting the eliminated loading area and responded to Commissioner's questions about potential deliveries to the site. Mr. Tamsky asked about where medical equipment would be delivered, the architect stated that since it is a psychiatric practice no equipment would be required other than initial move in. Mr. Tamsky was concerned that loading zones should be provided if any future building occupants require delivery trucks.

Mr. Marseglia made a motion to approve with one stipulation, the request for modification of the approved plan. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

Stipulation:

1. The Building Official shall approve the revised plan to ensure that ADA requirements are met.

ZON11-157 Town of Stonington – Zoning Permit application to replace Stonington High School football field scoreboard. Property located at 176 South Broad St., Pawcatuck, CT. Assessor's Map 25 Block 1 Lot 19. Zone RR-80.

Mr. Brynes explained that because the scoreboard will include commercial signage (sponsorship), the application requires Commission review. Bill King, Operations Manager for Stonington Public Schools, spoke as the applicant, noting that sponsorship panels help pay for the cost of the replacement. Mr. Prue stated that sponsorship panels are not addressed in the regulations. Mr. Swenarton felt there should be such a provision for non-profits. Mr. Tamsky was very much against commercial advertising in schools. Mr. Marseglia asked Mr. King about the specifics of the advertising agreement.

Ms. Hoffman made a motion to direct staff to draft a regulation amendment regarding sponsorship panels on scoreboards at athletic fields. Mr. Marseglia seconded. The motion was approved 4 – 1.

Roll Call: Swenarton – approve, Marseglia – approve, Mercer – approve, Hoffman – approve, Tamsky – deny

Mr. Tamsky made a motion to approve the request to replace the scoreboard without the sponsorship panels. Ms. Hoffman seconded. The motion was unanimously approved, 5-0.

Old Business:

PZ1120BR Paul Linehan - Application for release of remaining \$108,500.00 Road Construction & Public Improvement bond associated with PZ0621SD United Congregational Church of Westerly. Bond reduced to \$20,150.00 on 12/18/07 (\$88,350.00 released), & reduced to \$10,850.00 on 2/16/10 (\$9,300.00 released).

Mr. Brynes noted that the Fire Department and Town Engineer had no issues with the roadway. The Town Engineer noted that the bond could not be released until one year after Town acceptance of the road.

Mr. Tamsky made a motion to approve the release of the bond with one stipulation. Ms. Hoffman seconded. The motion was unanimously approved, 5-0.

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Stipulation:

1. The bond shall not be released until after August 25, 2011.

Public Hearings: 7:30 p.m.

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*

Mr. Prue was reseated. Ms. Hoffman was excused.

Brian Kent of Kent + Frost Landscape Architects responded to two issues raised at the previous public hearing: banner to parking space ratio and clarification to off-street parking and display areas. Mr. Kent proposed changing the allowed density from 1 banner for 15 parking spaces to 1 banner for 18 parking spaces, and section 7.12.7.7.10.5 by striking the word "maneuvering" from the text and adding "public entrance" to display areas. Mr. Kent clarified "public entrances." The allowed number of banners would decrease from 71 to 58, a reduction of 13. There would be no reduction in allowed banners at the Aquarium. Mr. Marseglia noted that he had recently been to the Aquarium and felt the banners currently there were not unattractive. Several commission members commended Mr. Kent for reworking these issues. Ms. Hoffman stated she felt the banners at the Aquarium were quite useful and helpful.

Public Comment: None

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

Mr. Prue made a motion to approve the application with the 2 proposed modifications. Mr. Mercer seconded.

Mr. Marseglia discussed the wording of section 7.12.7.7.10.1 regarding a minimum of 500 parking spaces as a total of multiple parking lots contained on the property. He also noted that it had been agreed that a maximum banner size of 6 foot tall by 2 foot wide would be permitted, and clarified that each of the two banners per pole would count towards banner density. Mr. Prue and Mr. Mercer withdrew their motions.

Mr. Marseglia made a motion to approve the application with the discussed modifications. Mr. Prue seconded. The motion was unanimously approved, 5-0. The effective date of the amendment will be August 8, 2011.

Modifications:

1. Section 7.12.7.7.10.2: change "per 15 parking spaces" to "per 18 parking spaces"
2. Section 7.12.7.7.10.4: add "up to a maximum banner size of 6' tall by 2' wide"
3. Section 7.12.7.7.10.5: remove "maneuvering," add "public entrance" before "display areas," and add, "Each of the two banners will count toward the total allowed banner density."

PZ1107SUP Sea Research Foundation - Special Use Permit application for a 535 sq. ft., 50-seat indoor theatre temporary exhibit structure. Property located at 55 Coogan Blvd., Mystic, CT. Assessor's Map 164, Block 3, Lot 2. Zone TC-80.

Paul Biscuti, P.E., of DiCesare-Bentley presented the proposed site layout and landscaping design for the temporary 50-seat, 4D theater. David Holmes of Capital Studio Architects discussed the specifics of the design, noting that the structure will be built on trailer platforms, mounted on a foundation, and fully ADA compliant. The structure will be aesthetically pleasing and complementary to the surroundings. He stated that did not yet

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have the graphics program but did present images of similar installations, noting that the presentations would likely run for a year before being replaced with a new one. Aquarium representative Will Parks explained what the 4D effects entail – 3D enhanced by smell or feel - of the short films, most about 12 minutes in length. The applicants responded to Commissioner's questions regarding utilities, skirting material, and structure setup. Mr. Biscuti noted that there are no restrooms included in the theater and explained the reasoning for the various waiver requests. The applicants explained that their 3-year request for the project was to test its success, ultimately coming back before the Commission should they wish to continue or further expand the theater.

Public Comment: Carlene Donnarummo asked about visibility from Route 195, location of a possible future theater, and facade graphics.

Mr. Prue asked about the legality of a Special Use Permit and if it ever expires.

Rebuttal: Mr. Parks and Mr. Holmes responded that any future theater would be inside the current theater, showed examples of building graphics, and answered questions about the structure and external lighting.

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

Mr. Tamsky made a motion to approve the request for waivers. Mr. Prue seconded. The motion was unanimously approved, 5-0.

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

Stipulation:

1. Commission approval is required for any continuance past three years.

PZ1115RA TOS Conservation Commission - Zoning Regulations Text Amendment to Section 3.1.4 Residential GBR-130, RC-120 Zones Buffer Requirements & Section 5.1.1 Residential Zone Bulk Requirements. Changes to 100-foot non-infringement area & side yard setback (GBR-130 only). (Rescheduled from 6/21/11)

Mr. Brynes noted that the applicant has requested rescheduling of this public hearing to the August 2nd meeting, indicating that they would ask for a continuance upon opening. There was Commission discussion of Town Attorney Tom Londregan's opinion that the Conservation Commission could not be an applicant, and whether or not the PZC should accept or hear the application.

Mr. Prue made a motion to adjourn the meeting. Mr. Marseglia seconded. The motion was unanimously approved, 5-0. Chairman Swenarton adjourned the meeting at 10:04 P.M.

 8/16/11
Robert Marseglia, Secretary