

Special Meeting

The 1448th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, August 2, 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, and Bob Mercer; Alternates Frances Hoffman and Curtis Lynch; and Acting Director of Planning / Town Planner Keith Brynes. Commissioner John Prue was absent. Alternate Gardner Young arrived at 7:19 P.M.

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

Approval of Minutes:

Mr. Marseglia made a motion to approve the minutes of July 19, 2011. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

Correspondence: Keith Brynes spoke of Town Attorney Tom Londregan's memo regarding the legality of the substance abuse treatment facility at Enders Island, noting that it was more legal advice and not a legal opinion.

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

Zoning Enforcement & Violations:

Review of Rob Holland Pool Zoning Permit and Certificate of Zoning Compliance (ZON11-045 & ZON10-109). Chairman Swenarton updated the Commission regarding a meeting he had with First Selectman Haberek where this issue was discussed as well as the larger concern of professional disagreements among staff during the decision-making process for issuing permits. Mr. Swenarton noted that he would issue a memo directing that any issues where there are differing opinions among "qualified" staff would be forwarded to the Commission for a decision. Mr. Marseglia was concerned that there is nothing that can be done to address the issue if there is a violation. Mr. Brynes noted that both the Zoning Permit and Certificate of Zoning Compliance have been issued so any appeal periods are over. The Commission requested that a certified as-built survey be provided to verify zoning compliance.

Commission members discussed signage violations including: Latitude 41 restaurant banners, Pier Cleaners next to The Wokery and a chiropractor's office in the same location appears to have 100% window coverage signage. Mr. Brynes explained that a number of Notices of Violation for signage have been sent to the property owners and tenants, and agreed to ensure all violators have been sent letters requesting compliance.

Ms. Hoffman questioned whether the Town Attorney should be consulted regarding the legality of revoking the Certificate of Zoning Compliance. The Commission agreed they should get such a determination from the Town Attorney before requesting a certified as-built survey from the property owner. Mr. Tamsky noted that once the commission has all the information they would like ZEO Larkin to be in attendance.

Mr. Brynes noted that Rob Holland had entered the meeting and Mr. Swenarton asked Mr. Holland if he would like to speak. Mr. Holland stated that he filled out and paid for the permits as he was requested, also noting that

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the GBR-130 non-infringement zone puts limits on developing his property. Mr. Swenarton told Mr. Holland that they would keep him informed of the status of the issue.

Administrative Review:

1. 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.

Pita Spot owner Vivian Torregrossa stated that she had no knowledge of the July 19th Planning and Zoning meeting where the Commission requested an A-2 survey showing the approved location of the seats and parking. She noted that she has moved all the seating from the Route 1 side (front) of the building to the Hatch St. side within the curbing, so therefore would not require a survey since the application had already been approved. She noted that she should not have to bear the expense of an A-2 survey, that it was the property owner's responsibility. Ms. Torregrossa said that she had been informed by the Town that she was in compliance with the stipulations of approval of PZ1101SUP Pacako, LLC (Pita Spot).

Mr. Brynes confirmed that he, Zoning Officer Joe Larkin, and W/ZEO Candace Palmer did inspect the site and found them in compliance although the tight space made specific usage difficult to determine.

Mr. Tamsky felt that the required number of parking spaces had not been provided.

Mr. Marseglia made a motion to approve the requirements of as compliant. Mr. Mercer seconded. Mr. Marseglia rescinded his motion. Mr. Mercer rescinded his second.

Mr. Marseglia made a motion to find **PZ1101SUP Pacako, LLC (Pita Spot)** in conformance with the special use permit approval and subsequent administrative review that they may have seating on both the front and side of the building and may move parking spaces to the rear of the building as shown on the modified plan provided for administrative review. Mr. Mercer seconded. The motion was approved, 4-0-1.

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

2. ZON11-166 Masons Island Landing, LLC - Zoning Permit application to add garage doors & Azek or cement panels on Buildings 4 & 5. 29-30 Dubois Dr., Mystic. Assessor's Map 175, Block 4, Lot 10. Zones RM-15 & RC-120.

Robert Ferrara presented the application to add garage doors and panels in order to enclose the lower area of the structures (below living space), noting that doing such would improve security, be more attractive, and increase energy efficiency. He stated that eight "smart vents" would be installed to allow for passage of water as needed, meeting FEMA requirements.

Mr. Brynes confirmed that the proposal complies with all regulations.

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

3. Gwenmor Marina – Commission discussion and interpretation of applicants' request to allow a portion of the required parking for new slips to be developed on Parcel 175/1/31, to be on the marina's main parcel at 12 Roseleah Drive (Assessor's Map 174, Block 21, Lot 1), Zones MC-80 & RC-120.

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Attorney Theodore Harris spoke on behalf of Gwenmor Marina regarding the parking requirements for the expansion the marina facility, providing a brief history of the Marina operation and the request that the Commission allow both parcels be considered together as one when applying for an expansion in the future. It was noted that the proposal would require applications before both the Zoning Board of Appeals and the PZC.

Owner Christian McGugan explained the permitting he has so far obtained from both the DEP and Army Corps of Engineers, noting that he has communicated with neighboring property owners and they are resigned to the proposed development. He recognizes that significant buffers will need to be provided on the site to provide the abutting residential properties adequate protection.

Mr. Tamsky asked what would prevent issues should the two properties no longer remain under the same ownership. Atty. Harris explained that there would be a dedicated easement to permanently link the two sites and it could also be included as a stipulation of approval of a future application.

Mr. Tamsky made a motion that the Commission agrees with the applicant's concept and interpretation to consider both parcels as one, as presented to the Commission tonight. Mr. Marseglia seconded. The motion was unanimously approved, 5-0.

4. Discussion of draft regulation amendment for municipal athletic field sponsorship signs.

Mr. Brynes gave an overview of the draft amendment noting that the content was specifically directed to municipal athletic fields only, sponsorship signs shall be attached to a scoreboard, press box, or fence; signage total square footage per field shall not exceed 400 square feet, and signs shall not be located within 350' of any public street or visible from any residential structure.

Stonington Schools Facilities Manager Bill King presented an aerial map showing the location of the proposed scoreboards with sponsorship panels at the various athletic fields at the High School site. Advertising revenue would be used solely for extracurricular or co-curricular activities with the Board of Education deciding how the funds generated would be used. He explained that the intent is to keep sponsorship businesses be those located in Town.

Chairman Swenarton felt the sponsorship signage request was now much larger and more involved than previously presented, expanding to all athletic fields and not just the high school.

Carlene Donnarummo felt that allowing the sponsorship signs was tacky.

Commission members discussed proper wording to limit the size and placement of the signage. Mr. King will work with Mr. Brynes and Staff to revise and clarify the language.

Public Hearings:

PZ1112SD & SUP Richard C. Panciera Remainder Trust II – Eight-lot Re-subdivision and Special Use Permit applications for the development of 68 attached-housing units and 7 single-family residences. Property located at Mary Hall & Greenhaven Roads, Pawcatuck, CT. Assessor's Map 7, Block 1, Lot 44. Zones RA-20, RM-20, & RR-80. *Continued from 6/7/11; Applicant requests continuance to 9/6/11.*

Mr. Tamsky made a motion to continue the Public Hearing to the 9/6/11 meeting. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

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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 7/19/11. Applicant requests continuance to 9/20/11.*

Mr. Tamsky made a motion to continue the Public Hearing to the 9/20/11 meeting. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

Mr. Tamsky made a motion to adjourn. Mr. Mercer seconded. The motion to adjourn was unanimously approved. Chairman Swenarton adjourned the meeting at 9:29 P.M.

 9/6/11

Robert Marseglia, Secretary