

## Special Meeting

The 1449<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, August 16, 2011 at Pawcatuck Middle School, 40 Field Street, Pawcatuck, Connecticut. The meeting was called to order at 7:05 P.M. by Chairman John Swenarton. Present were Commissioners Ben Tamsky, Rob Marseglia, John Prue, and Bob Mercer; Alternates Gardner Young and Curtis Lynch; and Acting Director of Planning / Town Planner Keith Brynes. Alternate Frances Hoffman arrived at 7:08 P.M.

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 August 2, 2011. Mr. Tamsky seconded. The motion was approved, 4-0-1.

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

**Correspondence:** Mr. Brynes read a letter from Chairman Swenarton regarding a new policy that any conflict of decision making or issue in the Planning office that cannot be internally resolved must come before the Commission. Mr. Prue wishes the Commission to have a meeting that focuses on the enforcement and permitting processes. Mr. Brynes noted that he would request an opinion from the Town Attorney as to the legality of repealing a certificate of zoning compliance. Mr. Swenarton felt that it wasn't possible as the appeal period had passed. Mr. Prue disagreed, stating that the appeal period for neighbors was different than the Commission, and the ZEO, as an agent of the Commission, would be able to revoke it if so directed.

### Reports:

Mr. Brynes informed the Commission of a zoning complaint regarding a "halfway house" in a residence at 38 Mechanic Street. The issue will most likely require guidance from the Town Attorney for a determination as to any zoning violation.

### Administrative Review:

**ZON11-194 829 Stonington Rd., LLC (Black Bear Martial Arts)** - Zoning Permit application for change of use from retail to personal services, and permitting for associated signage. Property located at 829 Stonington Rd., Stonington, CT. Assessor's Map 75 Block 1 Lot 2, Zone GC-60.

Mr. Brynes explained that the property use was most recently retail (Fun Company and Porch & Patio), and as a car dealership in 1973, the site received a variance for the oversized detached sign. He noted that the applicant would need to get the necessary Health, Building & Fire Codes approvals for the Martial .

Mr. Tamsky made a motion to approve the application with one stipulation. Mr. Prue seconded. At Mr. Marseglia's request, Chairman Swenarton directed Staff to ask the applicant to scale down the size of the detached sign.

The motion was approved, 4 - 1.

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

### Stipulation:

1. Conversion must meet applicable Building Health, & Fire Code regulations.

Mr. Brynes suggested the item under Old Business, **PZ1123CR TFB3, LLC**, be addressed after the scheduled public hearings. Mr. Swenarton agreed and a short recess was taken.

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## Public Hearings: 7:30 p.m.

**PZ1118SUP Debra & John Carreiro** - Special Use Permit application to permit conversion of an existing two-family residential structure to a three-family residential structure. Property located at 7 Walnut St., Pawcatuck, CT. Assessor's Map 1, Block 2, Lot 7. Zone RH-10.

Christopher Carreiro represented the applicant explaining the request to convert a two-family to a three-family residence, with the third floor containing the third dwelling unit. Mr. Mercer mentioned fire code construction requirements. The Commission discussed the requirements for an accessory apartment, noting that the regulations state it must be a single family residence and that the lot doesn't meet the density requirement for duplex. Mr. Prue suggested the applicant request a variance from the ZBA, granting the Commission an extension if necessary. Ms. Hoffman wanted it made clear that there were two strong reasons why the Commission could not approve the application, also referencing the similar application (Ritacco), which was denied based upon the Town Attorney's legal opinion. Mr. Prue made a motion to continue the public hearing to the September 20<sup>th</sup> meeting. Mr. Marseglia seconded. The motion was unanimously approved, 5-0.

**PZ1119SPA & GPP Hendels, Inc.** - Site Plan & Groundwater Protection Permit applications 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.

Attorney Tim Bates of Robinson & Cole, spoke on behalf of the applicant. He stated that the proposed changes were the lot line revision and relocation of one parking space. There would be no increase in the nonconforming billboard, the convenience store is a conforming use, and the buffer would be reduced from 20 to 15 feet. Mr. Marseglia asked why they could not meet the 20-foot buffer requirement. Atty. Bates explained that there would be no expansion of either non conformity, and that by combining the two properties, the non conformity (undersized lot size) is reduced. Mr. Prue asked for clarification of the buffer requirement. Mr. Brynes stated that according to ZR 7.10.6.7, the Commission does have the option of waiving the buffer requirement to 0 feet. Clint Brown of DiCesare Bentley spoke about the dumpster location, loading area and parking spaces. He stated that the buffer width varies from 15 to 40 feet. Ms. Hoffman noted that she saw no landscaping when she inspected the site and asked if the applicant would consider upgrading the planned landscaping. Mr. Brown explained that the applicant went to great lengths to meet the storm water management issues. Mr. Bates agreed that they could soften the site with additional landscaping but had to keep the billboard and access sight lines unobstructed. Mr. Mercer asked about the relocation of the lights. Mr. Bates reminded the Commission that the Town Attorney had previously issued an opinion that the convenience store was not an expansion of the non-conforming use (gas station).

Public Comment: Gary Anderson spoke to the importance of maintaining the buffer distances when there are residences in a commercial zone.

Staff: Mr. Brynes reminded Commissioners that this application is a Site Plan and without an extension from the applicant, requires a decision this evening. He recommended three stipulations.

Commissioners discussed several of the parking spaces. Mr. Bates and Mr. Brown asserted that safety issues for the turning radii of trucks dictates where the parking spaces are placed.

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

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Mr. Marseglia made a motion to approve the Site Plan and Groundwater Protection Permit with the five stipulations discussed. Mr. Prue seconded. The motion was unanimously approved, 5-0.

### Stipulations:

1. All landscaping on the approved plans shall be installed by 11/1/11.
2. Illegal banner signs shall be removed prior to the issuance of any Zoning Permits.
3. Final plans shall increase landscaping along southern property lines, and shall be approved by staff.
4. The applicant shall change the new parking area to meet the 20-foot buffer requirement.
5. Add signs in the new parking area that state "No Parking - Loading Zone."

**PZ1121RA Julia Roberts** - Zoning Regulations Text Amendment for Small Wind Energy Systems. Add to Section 1.2 Definitions and add new Section 7.22 Renewable Energy Systems, 7.22.1 Small Wind Energy Systems.

Julia Roberts, a member of the Stonington Borough Planning and Zoning Commission, spoke about the text amendments. Her slide presentation reviewed different types of wind systems including the one at Pine Point and the Sound School in New Haven. She highlighted saving money and energy independence as benefits. Bill Janhonen of Norwalk, a green building educator, explained how usage is like cell phone minutes that get rolled over. Ms. Roberts stated that she worked with the Conservation Commission on drafting the text. She suggested tweaking 7.2.2.1.5.3 only on the same parcel of land might prevent people from tying into the grid. Ms. Hoffman asked about limited parcel size thinking it is discriminatory.

Public Comment in Favor: Walter Grant, Herve Lamb owner of Mystic Solar and installer of wind towers, replied to technical questions about typical installations. Peg Moran, Michael McCue, Rob Frohnapfer. Mr. Brynes read a letter from Stanton Simm of the Conservation Commission. Carlene Donnarummo presented a list of suggested additions and changes. John Ackley. Bill Janhown explained actual installation and grid restrictions. John Ryan of North Stonington, thought the amendment was very conservative. Stephanie Hayes Houlihan.

Rebuttal: Julia Roberts

Mr. Prue made a motion to continue the Public Hearing to the September 20<sup>th</sup> meeting. Mr. Marseglia seconded. The motion was unanimously approved, 5-0.

### OLD BUSINESS:

**PZ1123CR TFB3, LLC** - Conceptual Review application & proposed Regulation Amendment for the development of an affordable housing (CGS §8-30g), mixed Residential & Commercial use project consisting of two three-story structures and a detached caretaker dwelling for a total of 45 residential units: 20 one-bedroom, 20 two-bedroom, 4 three-bedroom, & a three-bedroom caretaker house. First floor of front structure is designed to accommodate future retail/commercial use. Property located at 100 & 102 South Broad Street, Pawcatuck, CT. Assessor's Map 25, Block 1, Lots 5 & 6. Zones LS-5 & RR-80.

Attorney Tim Bates of Robinson & Cole, explained the history of the site which was previous approval of a mixed use on the site. Since then Mr. Buxton has not been able to secure a commercial anchor to the site. He explained the multi-tiered percentage system of affordable housing emphasizing that it does not mean inexpensive housing. He thought it would be helpful to have an affordable housing regulation. State regulation sets the market rates. Ms. Hoffman asked about the shadow effect of the front building on the back building. It will be a regulation/special zone use application essentially a State overlay zone. Parking does not have to meet regulations. Having a floating zone will be helpful for the future if changes need to be made they would not have

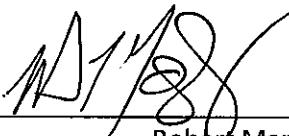
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to have a whole application process again. Mr. Marseglia asked questions about the new process. Attorney Bates forecasted a different type of dialogue of negotiation.

Julie Savin of Mutual Housing/ Neighborworks New London will assist in funding and will be the property manager. Developer Tom Buxton discussed how the one-two, and three-bedroom sizes were determined and that several units will be handicapped accessible.

Chairman John Swenarton stated that this would be his final meeting.

Mr. Prue made a motion to adjourn. Mr. Marseglia seconded. The motion was unanimously approved, 5-0. The meeting adjourned at 12: 29 P.M.

 9/20/11  
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Robert Marseglia, Secretary