

Special Meeting

The 1450th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, September 6, 2011 at Mystic Middle School, 204 Mistuxet Ave., Mystic, Connecticut. The meeting was called to order at 7:02 P.M. by Acting Chairman Ben Tamsky. Present were Commissioners Rob Marseglia and John Prue; Alternates Gardner Young, Frances Hoffman, and Curtis Lynch; and Acting Director of Planning / Town Planner Keith Brynes. Commissioner Bob Mercer was absent.

Seated were Ben Tamsky, Rob Marseglia, John Prue, Frances Hoffman, and Gardner Young.

Approval of Minutes:

Mr. Marseglia made a motion to approve as corrected, the minutes of August 16, 2011. Mr. Prue seconded. The motion was unanimously approved.

Correspondence: Additional information for the wind energy regulation amendment; the Cherenzia application; and Town Attorney Londregan's letter regarding the ability of the Commission to revoke a certificate of compliance. It was stated that a certificate cannot be revoked.

Administrative Review:

ZON11-198 Leon Millis (Kit Kat BBQ) - Zoning Permit application for change of use from retail to retail restaurant. Property located at 34-36 Mechanic St., Pawcatuck, CT. Assessor's Map 4 Block 7 Lot 5, Zone DB-5.

Mr. Brynes handed out a report about the property which seeks to move from retail to retail restaurant. He had searched for regulations or guidelines regarding smoke in residential area and found little.

Hilbert Gibbs spoke on behalf of his business he is seeking to relocate from Rhode Island to Connecticut. He explained in detail the natural wood-sourced fire process which produces the most smoke in the first 15 minutes.

Commission members were concerned about what would happen if it became problematic for the neighbors.

Mr. Marseglia made a motion to approve. Ms. Hoffman seconded. Mr. Marseglia withdrew his motion. Ms. Hoffman withdrew her second. Mr. Marseglia made a motion to approve the application with one stipulation. Ms. Hoffman seconded. The motion was unanimously approved, 5-0.

Stipulation:

1. The application must meet all Building, Health and Fire codes.

Public Hearings: 7:30 p.m.

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 8/2/11.*

Mr. Prue made a motion to continue the Public Hearing to a Special Meeting to take place on Monday, September 12, 2011 at 7:00 P.M. at the Mystic Middle School. Mr. Marseglia seconded. Mr. Brynes explained that the previous week's Town Hall closures due to the storm emergency conditions and planned holidays impacted the scheduling of the meeting. He noted that the applicant had submitted new information, and due to the unplanned Town Hall closures, neither staff nor the public would have had an opportunity to review it. Richard McKrell spoke about his difficulty in notifying the neighbors regarding the public hearing continuance. Attorney Mark Kepple applauded the continuance and recognized that last week's weather emergency was responsible for the action. He wanted confirmation that the public hearing would continue with public comment

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portion. Commission members discussed the format to be followed for resumption of the public hearing. Chairman Tamsky felt that those members of the public who had already spoken previously should not be permitted to speak again except in rebuttal of any new information presented by the applicant. The Commission agreed that anyone who had not spoken previously would be able to comment when the public hearing is continued at the 9/12/11 meeting

The motion was unanimously approved, 5-0.

PZ1122SUP Quiambog, LLC (Richard Rizzo) – Special Use Permit application for a 49.6 square foot wall sign being relocated from existing location. Additional signage to be located on site includes a 10 square foot detached sign. Property located at 14 Lords Hill Rd., Stonington, CT. Assessor's Map 130 Block 6 Lot 1. Zones M-1 & RC-120.

Richard Rizzo and Ken Everett discussed the application for the wall sign for the Zachry building. Mr. Brynes explained that signs greater than 18 square feet are allowed by Special Use Permit, and the request for them often are included in a SUP application for a larger project. Mr. Marseglia asked for confirmation that the sign is externally illuminated. Mr. Lynch asked if the up lighting was permitted and Mr. Brynes said it was not, the sign had to be downlit. Chairman Tamsky questioned why such a large sign was being requested. Mr. Rizzo answered that the building was quite distant from Route 1 and was difficult to see. Mr. Everett stated that the previous Hubbell sign was pre-existing noncompliant, and the replacement could not exceed that size. He also noted that the Zachry Company is interested in establishing a presence in the community and identifying their location.

Public Comment in Favor: None

Public Comment Against: Rich L. McKrell asked why a business would need a lit sign if they didn't have customers at night. He felt it might become a nuisance to the neighbors.

Rebuttal: None

Mr. Young made a motion to close the Public Hearing. Mr. Marseglia seconded. The motion was unanimously approved.

Mr. Marseglia made a motion to approve the waiver requests. Mr. Young seconded. The motion was unanimously approved.

Mr. Marseglia made a motion to approve the application with one stipulation: Mr. Prue seconded. The motion was approved 4 - 1.

Roll Call: Young – approve, Hoffman – approve, Marseglia – approve, Prue – approve, Tamsky - deny

Stipulation:

1. Per Section 7.12.3.2, any building or detached signage lighting shall be externally illuminated, full cut-off and down lit.

PZ1124SUP DeKalb Plant Genetics (Monsanto) - Special Use Permit application for the extension of two (2) greenhouse structures (11,400 sq. ft. total expansion), a gravel drive, modified storm drainage, and relocation of a yard hydrant. Property located at 62 Maritime Drive, Mystic, CT. Assessor's Map 163, Block 1, Lot 28E. Zone M-1.

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Ray Gradwell, of BL Companies gave an overview of the application, noting the additions to the greenhouses are an expansion of approximately 25 to 30%. Thomas Tod of Burns & McDonnell detailed the plans and mentioning that the Inland Wetlands Commission has approved the application. Ms. Hoffman asked that the wetland buffers be pointed out on the drawings. Jim O'Brien of Monsanto answered Mr. Lynch's concern of light pollution, explaining the 12- and 14-hour photo illumination processes for growing the corn. They will install a blackout-light curtain and fewer lights in the greenhouse additions. The application representatives answered Commissioners' questions.

Public Comment in Favor: None

Public Comment Against: Rich L. McKrell asked if genetically altered corn is being grown at their site. Joe Mastronunzio of Brom Builders, a developer for a potential senior housing project on property abutting the Monsanto site, was concerned with the impact of excessive light emissions on neighboring residents.

Public Comment General: Les Bray

Staff Comment: Mr. Brynes did not find regulations regarding light pollution.

Mr. O'Brien stated that the growing lights are not on 24 hours a day, they do go dark at night. It is only in the winter period when it is darker earlier that the lights stay on longer. He said blackout curtains would be possible but side cooling fans would make them difficult.

Mr. Marseglia made a motion to approve to close the Public Hearing. Ms. Hoffman seconded. The motion was unanimously approved.

Mr. Prue made the motion to approve the waiver requests for this application. Mr. Marseglia seconded. The motion was unanimously approved.

Mr. Prue made a motion to approve the application with three stipulations. Ms. Hoffman seconded. The motion was unanimously approved, 5-0.

1. An Erosion and Sedimentation Control Bond shall be secured with the Town per Section 8.6 of the Zoning Regulations. This bond amount shall be established by the Town Engineer after an estimate of construction cost is provided by the applicant, and approved by the Town Engineer. This bond shall be submitted to the Department of Planning prior to the issuance of any Zoning Permits.
2. Final plans are reviewed to the satisfaction of the Old Mystic Fire Marshal prior to recording.
3. No net increase in light emissions from greenhouse additions is permitted.

Mr. Marseglia made a motion to adjourn. Mr. Young seconded. The motion was unanimously approved. Chairman Tamsky adjourned the meeting at 9:43 P.M.



Robert Marseglia, Secretary