

Regular Meeting

The 1453rd meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, September 20, 2011 at Mystic Middle School, 204 Mistuxet Ave., Mystic, CT. Acting Chairman Ben Tamsky called the meeting to order at 7: 07 P.M. Present were Commissioners John Prue and Rob Marseglia; Alternate Curt Lynch and Acting Director of Planning/Town Planner Keith Brynes. Commissioner Bob Mercer and Alternates Gardner Young and Frances Hoffman were absent.

Seated for the meeting were Mr. Tamsky, Mr. Marseglia, Mr. Prue, and Mr. Lynch.

Approval of Minutes: #1449, August 16, 2011 approved, not signed; #1450, September 6, 2011; #1451, September, 12, 2011; #1452, September 14, 2011. Approval of minutes was tabled to the next meeting.

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

ZBA #11-15- John & Betsy Perkins-Seeking a variance from ZR 5.1.1. to reduce rear yard setback from 3.4' to 0' for the installation of a maintenance catwalk. Property located at 43 East Shore Road, Stonington. Assessor's Map 154 Block 6 Lot 6. Zone RM-20.

Mr. Brynes presented the applicant's request for a waiver of an A-2 survey, explaining that a variance reducing the rear yard setback to 0' was needed to install a catwalk to allow for property maintenance. Mr. Tamsky asked why the request wasn't included in Latimer Point's annual batch site plan application to PZC. Mr. Brynes answered they needed the variance first. Mr. Prue thought it was not a good idea to pre-approve an application for ZBA which is a standalone Board.

Mr. Prue made a motion to table action on the request to the October 4, 2011 meeting. Mr. Marseglia seconded. Commissioners requested additional information regarding the mean high water mark and the application's process. The motion was unanimously approved, 4-0.

Administrative Review:

PZ0656SUP & GPP Readco Stonington, LLC - Request minor modification of the approved site plan at the proposed McDonald's site. Property located at 445 Liberty St., Pawcatuck. Assessor's Map 18, Block 1, Lot 36. Zone HI-60.

John Mancini of BL Companies, Meriden, CT presented the new MacDonald's building plan changing the length of two drive-thru lanes for greater traffic ease. Rhona McFarlane, representing MacDonald's, described the side-by-side ordering window process. The 7/15/08 CAI approval included the two ordering stations, but new studies have shown traffic flows better with greater ordering lane lengths.

Mr. Marseglia noted that the regulations do not permit a menu board to be visible from a right-of-way. Mr. Mancini responded that the menu boards had been previously approved by the Commission in 2008. The applicants agreed to return to the October 4, 2011 meeting and provide the Commission with perspective drawings depicting the necessary screening and landscaping for the drive-thru area.

Mr. Brynes informed those present that the Public Hearing for **PZ1115RA TOS Conservation Commission** would not be heard as the applicant requested that it be withdrawn, and the Public Hearing for **PZ1118SUP Debra & John Carreiro**, would not be heard as the applicant requested that it be continued to the November 15, 2011 meeting.

Old Business:

PZ1112SD & SUP Richard C. Panciera Remainder Trust II – Eight-lot Resubdivision 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.

Mr. Tamsky allowed Commission members to request information from Staff, but cautioned them not to deliberate the application. Mr. Lynch inquired as to the status of the request to the Town Attorney for an opinion on Section

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6.6.7.6. Mr. Brynes replied that he had submitted the Reference number request to the First Selectman's office and was awaiting a response. Mr. Marseglia wanted an opinion on whether Regulation 6.6.7 applies to a subdivision and if so, can they enforce processing of excavating material. Mr. Tamsky questioned whether the Town Attorney would be giving an opinion based on the application or just the regulations. Mr. Brynes stated that it be the regulations. Mr. Prue stated that he would be ready to deliberate at the October 18th meeting and the remaining Commissioners present concurred. Mr. Lynch wished to have the applicant's stipulation regarding integral lot area available for examination.

Public Hearings:

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). *Public Hearing 9/20/11, Continued from 8/2/11.*

The applicant has requested the application be withdrawn.

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. *Public Hearing 9/20/11, Continued from 8/16/11.*

The applicant has requested the application be continued to the November 15, 2011 meeting.

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. *Public Hearing 9/20/11, Continued from 8/16/11*

Mr. Marseglia read PZC Alternate Fran Hoffman's comments into the file.

Applicant Julia Roberts was present and did not wish to add anything further. She had previously submitted written comments in rebuttal to Carlene Donnarummo's statements.

Mr. Prue made a motion to close the Public Hearing. Mr. Marseglia seconded. The motion was unanimously approved, 4-0.

Mr. Marseglia made a motion to approve the application. Mr. Prue seconded.

Commissioners discussed limitation of kilowatt production and the sound generated at the property line. Chairman Tamsky noted limiting the sound would expand the application, as would his desire to see the minimum lot size required decreased. Mr. Prue agreed, noting a lesser-sized property might well accommodate a small system. Mr. Marseglia suggesting allowing time for some applications to come in and projects be developed before expanding the regulations. Mr. Prue & Mr. Tamsky agreed. Commission members discussed height issues and the Site Plan approval versus Special Use Permit requirement. Additional Commission review and discussion of the amendment wording resulted in the following agreed upon changes to the regulation language:

- Under proposed ZR Section 1.2.2 – Definitions: Change Small Wind Energy System to read, "A wind energy conversion system, including the equipment, machinery, and structures utilized in connection with the conversion of wind energy to electricity, which meets the requirements set forth in Section 7.22.1."
- Under proposed ZR Section 7.22 -- Renewable Energy Systems: Delete proposed Section 7.22.1.2 -- Findings
- Under proposed ZR Section 7.22.1.4 -- Location and Design Criteria for Small Wind Energy Systems Section 7.22.1.4.1 Setbacks: A Small Wind Energy System, whether free standing or building mounted, shall provide a

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Fall Zone a minimum of 1.1 times the overall height of the tower, add "including all equipment," from...; and add "7.22.1.4.4 Sidewalks intended for public use."

- Under proposed ZR Section 7.22.1.4.3 Small Wind Energy Systems shall be permitted only on the same parcel of land as the building(s) intended to be served by the system. Add: "The maximum number of Small Wind Energy Systems shall be limited to one per lot in applicable residential zones and two per lot in applicable commercial zones, provided all other requirements are met."
- Under proposed ZR Section 7.22.1.4.4 Tower Height: The maximum stationary tower height shall be restricted to 40 feet as measured from the lower of (1) the average finished grade or (2) 10 feet above predevelopment grade, add "as measured by the Town's 2009 aerial photography,"...
- Change proposed ZR Section 7.22.1.4.8 Aesthetics to read: Natural colors and non-reflective finishes and materials shall be used for the exterior of the tower and necessary structures to blend the system into the natural setting and built environment. Screening and landscaping shall be provided at the base of stationary towers and any equipment to soften the visual impact of such structures.
- Under proposed ZR Section 7.22.1.4.10 Small Wind Energy Systems shall be designed to prevent unauthorized access. The tower shall be installed so as to not provide step bolts or other climbing means readily accessible for a minimum height of twelve (12) feet above the ground. Electrical wiring shall be installed underground and must be in compliance with the applicable building code. Add "Electrical equipment shall be locked or secured within a fenced area."

Mr. Brynes will provide the Commission with a revised amendment incorporating the discussed changes.

Mr. Marseglia made a motion to adjourn. Mr. Prue seconded. The motion was unanimously approved. The meeting adjourned at 9:16 P.M.

 11/15/11

Robert Marseglia, Secretary