

### Special Meeting

The 1454<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, October 4, 2011 at Mystic Middle School, 204 Mistuxet Ave., Mystic, CT. Acting Chairman Rob Marseglia called the meeting to order at 7:00 P.M. Present were Alternates Curt Lynch, Gardner Young, and Frances Hoffman; and Acting Director of Planning/Town Planner Keith Brynes. Commissioners Ben Tamsky, John Prue, and Bob Mercer were absent.

Seated for the meeting were Mr. Marseglia, Mr. Young, Ms. Hoffman, and Mr. Lynch.

**Approval of Minutes:** #1450, September 6, 2011; Mr. Young made a motion to approve the minutes as corrected. Ms. Hoffman seconded. The minutes were unanimously approved, 4-0.

#### **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 Rd., Stonington. Assessor's Map 154 Block 6 Lot 6. Zone RM-20.

Mr. Brynes stated that an A-2 Survey has been provided and that a waiver is no longer necessary. Mr. Lynch asked whether the question of the high tide line was determined and resolved. Mr. Brynes stated that a letter from CT DEEP confirmed that the addition will be landward of mean high tide.

Ms. Hoffman made a motion that the Commission recognizes that the A-2 survey has been provided. Mr. Young seconded. The motion was unanimously approved.

#### **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.

Ray Gradwell, PE of BL Companies, representing Readco and McDonalds, presented the new revised plans. Per the Commission's request, 27 new Emerald Arborvitaes are to be added in front of the menu board along the street in order to comply with Section 6.6.5.7.3 of the Zoning Regulations. Rhona McFarlane of McDonalds also commented on the screening.

Ms. Hoffman made a motion to approve the amended site plan with the stipulation that the landscaping be maintained so it effectively screens the visibility of the menu boards from the public right-of-way. Mr. Young seconded. The motion was unanimously approved.

**ZON11-224 Kabryste, LLC (James Watts, DMD)** - Zoning Permit application for change of use from retail to office. Property located at 85 Denison Ave. Mystic, CT. Assessor's Map 173 Block 11 Lot 3, Zone CS-5.

Mr. Brynes described the application for a change of use from retail to a psychologist's office. Mr. Lynch questioned whether there would be any change in parking or traffic. Applicant Dr. James Watts, stated that he expected fewer visitors.

Mr. Lynch made a motion to approve the application. Ms. Hoffman seconded. The motion was unanimously approved.

#### **Old Business:**

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**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. *Public Hearing closed 9/14/11.*

Mr. Lynch asked about the status of the Town Attorney's opinion regarding Excavation & Filling. Mr. Brynes stated that no information had been received.

**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 closed 9/20/11.*

Mr. Brynes stated that deliberations would need to be continued as there were not sufficient Commissioners present this evening that were seated or had heard the application's Public Hearings. Mr. Lynch asked about the types of turbines allowed and protections for birds.

**PZ1127BR Windham Crossing, LLC** - Application for release/reduction of a \$55,000.00 Erosion & Sedimentation bond associated with PZ1006SUP & GPP Keith L. Main (NERP) - Special Use & Groundwater Protection Permits for construction of a 19,097 SF retail building, adjacent 15,000 SF outdoor display & sales area, loading dock, and associated parking, utilities, landscaping & lighting. Property located at 335 Liberty Street, Pawcatuck, CT. Assessor's Map 17, Block 3, Lots 3, 4 & 4A. Zone HI-60.

Mr. Brynes read the Town Engineer's comments stating that any outstanding issues on the site had been satisfied. Ms. Hoffman made a motion to approve the application to release the bond. Mr. Young seconded. The motion was unanimously approved.

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

**PZ1125SD Jayne Kivlin & Naomi Gobeille** – Re-subdivision application for a 3-lot subdivision of a combination 5.98± acre parcels with a strip to be conveyed to provide conforming road frontage to Lot#3. Property located at 2 North Broad St & 44 Pequot Trail, Pawcatuck. Assessor's Map 15 Block 3 Lots 17 & 17A. Zone RA-20.

Robert Schuch, engineer with Boundaries, LLC, presented the application. Inland Wetlands approval was recently granted. A fee-in-lieu of open space is requested and recommended by the Conservation Commission. The Town Engineer requested a justification for the lack of a drainage study and an easement at the end of North Broad St. to allow for snowplows to turn around. Both of these items were provided to his satisfaction. A waiver was granted by the WPCA to allow for septic systems and a waiver is being sought from the CT Department of Public Health to allow private wells instead of public water.

Ms. Hoffman asked why the waivers were requested. Mr. Schuch replied that it was due to shallow ledge blasting that would be required, resulting in increased cost and disturbance to residential neighbors. He further clarified their application process for public utility waivers, noting that if the waiver is denied by the State, the lots would have to connect to public water. Owner Naomi Gobeille, stated that because of the long distance of sewer pipe and depth required to connect down, pumps and grinders would have been necessary.

Mr. Brynes reviewed comments received from other reviewers and reviewed possible stipulations of approval. Ms. Hoffman thought there were enough outstanding issues which warranted more review. The Commission discussed whether the new information submitted to the Town Engineer required continuing the hearing because of the "15-day rule." Acting Chairman Marseglia thought it would be best to continue the Public

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Hearing to the October 18<sup>th</sup> meeting to comply with ZR Section 8.9.5., and to allow time for the Department of Health waiver decision. He asked staff to draft stipulations for the next meeting.

#### Rebuttal:

Mr. Schuch stated that he did not consider the easement and letter regarding drainage enough to warrant a continuance of the hearing.

Mr. Lynch made a motion to continue the Public Hearing to October 18, 2011, at the rebuttal stage. Ms. Hoffman seconded. The motion was unanimously approved.

**PZ1126RA Town of Stonington (PZC) - Regulation amendment to add Municipal Athletic Field Sponsorship Panels to ZR Section 1.2.2 Definitions, Section 7.12 Sign Regulations (Section 7.12.9 Municipal Athletic Field Sponsorship Panels), & Section 7.12.10 Sign Permit Requirements (Table).**

Mr. Brynes presented the application to allow sponsorship panels to scoreboards, press boxes and fences at municipal athletic facilities. Prior to the formal application, this regulation amendment was reviewed by the Commission at two previous meetings. Text was developed by the Planning Department in conjunction with the Board of Education.

Ms. Hoffman suggested that the panels should not be greater than one-third of the size of the scoreboard itself and limited to the bottom area of the scoreboard. She noted the Conservation Commission's concern over aesthetics. Mr. Lynch stated that if these signs were inside the school gym, they would be in the hands of the Board of Education without any PZC review. If these outdoor signs are not visible to the general public, they should be allowed in the same manner. Mr. Marseglia stated that, unlike the Board of Education, the Conservation Commission are not educators.

#### Public Comment - In Favor:

Jon Nickerson of the Board of Education spoke of the need to increase revenues for school activities and noted the Board of Finance's support. He asked those in the audience in support of the amendment to stand (a majority of the public stood). Deborah Downie, parent and Drama Club booster, stated that the signs would benefit local businesses and the revenue would also benefit non-athletic school programs. Sue Fornara stated that the revenue would benefit all of the town's taxpayers. Michael Pacheco, and Paula Bovino, spoke in favor. Paul DeCastro, coach, stated that budgets keep getting cut and that old scoreboards are an eyesore. Bill King, Schools Operations Director, described the approval process that the Board of Education's Revenue Generation Committee has in place to provide oversight of the revenue generated. Vendors and artwork must be approved by that Committee and the full Board of Education. The regulation amendment expresses the Board of Education's future plans for the athletic fields. Sam Agnello, Board of Education member, spoke in favor.

#### Public Comment - Against:

Carlene Donnarummo presented the advertising for the football scoreboard proposed by the Board of Education and stated that the regulation allows far too much signage. She thought it was sad that the Board of Education had to resort to advertising in order to fund activities. She read a written statement and suggested alternatives such as private donations and referenced the scoreboard donation made by her graduating class. Dora Hill's comments against the regulation were read by Mr. Brynes and submitted to Commission members. Gail Shea's written comments against the regulation were also read by Mr. Brynes.

#### Public Comments – General Comments:

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Superintendent of Schools, Dr. Leanne Masterjoseph, described the difficult financial climate in which the school system has to operate and the fund raising already done. She asked that new and innovative projects for alternative fundraising be supported by the Commission. Mr. Lynch asked about how the process would safeguard against visual pollution. She described the Revenue Generation Committee which would review possible advertisers and assured that the integrity would be maintained. No offensive or inappropriate ads would be allowed. Joe Mendonca, Stonington Recreation Administrator, stated that the Town Recreation Commission voted to support this proposal. This regulation could benefit other municipal fields as well.

**Rebuttal:**

Mr. Brynes stated that the regulations can be broken out further if the Commission wants to place additional restrictions on fence signs. Mr. Lynch and Ms Hoffman voiced concerns over regulation of potential municipal fields not under the Board of Education's control. Bill King stated that The Recreation Commission would review all Town fields. Mr. Marseglia asked if the Commission could regulate of content on the signs. Mr. Brynes stated that zoning does not regulate content, but the Board of Education's program does.

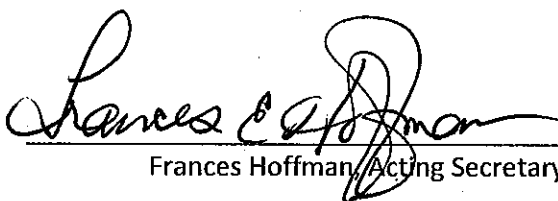
Mr. Young made a motion to close the Public Hearing. Mr. Lynch seconded. The motion was unanimously approved.

Mr. Young made a motion to approve the application as presented. Ms. Hoffman seconded.

Mr. Young and Mr. Marseglia stated that they were comfortable with the Board of Education's safeguards. Mr. Marseglia noted that the Commission could require a public hearing for a Site Plan application if it were warranted. Mr. Brynes noted that the regulation does not require Commission review for replacement of individual sign panels once the Site Plan is approved.

The motion was unanimously approved, 4-0. The effective date will be October 24, 2011.

Ms. Hoffman made a motion to adjourn. Mr. Gardner seconded. The motion was unanimously approved. Acting Chairman Marseglia adjourned the meeting at 9:38 P.M.



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Frances Hoffman, Acting Secretary