

Regular Meeting

The 1455th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, October 18, 2011 at Mystic Middle School, 204 Mistuxet Ave., Mystic, Ct. Acting Chairman Ben Tamsky called the meeting to order at 7:00 P.M. Present were Commissioners Rob Marseglia, John Prue, and Bob Mercer; Alternates Curt Lynch, Gardner Young, and Frances Hoffman; and Acting Director of Planning/Town Planner Keith Brynes.

Seated were Mr. Marseglia, Mr. Tamsky, Mr. Mercer, Mr. Prue, and Ms. Hoffman

Approval of Minutes:

Mr. Marseglia made a motion to approve the October 4, 2011 minutes. Ms. Hoffman seconded. The minutes were approved, 3-0-2.

Marseglia – approve, Tamsky – approve, Hoffman – approve, Prue – abstain, Mercer - abstain

Administrative Review:

CGS 8-24 Review for the revocation of a deed restriction on the Indian and Colonial Research Center, 39 Main Street, Old Mystic. Assessor's Map 166, Block 3, Lot 9. Zone CS-5.

Mr. Brynes explained the circumstances of this deed restriction.

Mr. Mercer made a motion to find that the application is consistent with the POCD. Mr. Marseglia seconded. Mr. Prue noted that it was a very small parcel and it would be difficult to find it either consistent or inconsistent. The motion was unanimously approved, 5-0.

Pat Lafayette for Summit Street Development, LLC - Clarification of Zoning Regulations regarding a proposed dental clinic in an M-1 zoning district.

Mr. Brynes discussed the issue regarding the definition of Hospital and Medical Clinic in ZR 1.2.2, ZR 4.7.3.6 M-1 Uses Allowed by Special Permit, and the conflict in ZR 5.2.2 (Use Table) in regards to an M-1 zone. Mr. Brynes noted that ZR 5.1 states if there is a conflict between uses in the tables, those listed in Articles III & IV shall control. Commissioners felt the language in ZR 4.7.3.6 is correct and the table data is in error. Mr. Prue made a motion that ZR 4.7.3.6 should be used in determining the permitting for the proposed dental clinic. Mr. Marseglia seconded. The motion was unanimously approved, 5-0.

Ms. Hoffman asked that staff keep a list of any corrections which need to be made.

Old Business: Acting Chairman Tamsky asked that the agenda order be changed. Mr. Marseglia made a motion to revise the agenda to first deliberate **PZ1121RA Julia Roberts**, then continue the Public Hearing for **PZ1125SD Jayne Kivlin & Naomi Gobeille**, followed by deliberations for **PZ1112SD & SUP Richard C. Panciera Remainder Trust II**. Mr. Prue seconded. The motion was unanimously approved, 5-0.

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.*

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

Commission members discussed the previously requested changes. Mr. Prue suggested amending ZR 7.22.1.4.4 regarding the GIS system and a topographical survey. Mr. Marseglia wanted to clarify ZR 7.22.1.4.8 aesthetics issues of color and potential rust 15 years out. Mr. Tamsky stated that the Commission may not regulate the color of any structure and wanted to eliminate the reference altogether. Commissioners agreed with Mr. Lynch's suggestion to add the words "and maintained" to the sentence.

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Mr. Prue made a motion to approve with the changes made. Mr. Marseglia seconded. Mr. Prue amended the motion to approve with the changes agreed upon at the 9/20/11 and 10/18/11 meetings. Mr. Marseglia seconded. The motion was unanimously approved, 4-0. The Effective Date is 11/7/11.

Changes:

- ZR 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 as measured by the Town's GIS data system or a more accurate topography survey, to the tip of the rotor blade at its highest point...
- ZR 7.22.1.4.8 Aesthetics: Natural colors and non-reflective finishes and materials shall be used and maintained 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.

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. *Continued from 10/4/11.*

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

The Hearing was resumed in the rebuttal portion.

Rebuttal:

Robert Schuch, PE from Boundaries, LLC, representing the applicants, stated that waivers from the State regarding the septic and water supply systems. He noted that the proposed septic systems and wells have received Town approvals, and the Town Engineer agreed that there was no need for a drainage study. Mr. Marseglia reviewed the three stipulations recommended by staff.

Ms. Hoffman made a motion to close the Public Hearing. Mr. Young seconded. The motion was unanimously approved, 4-0.

Ms. Hoffman made a motion to approve the application with the three stipulations recommended by Staff. Mr. Young seconded. The motion was unanimously approved, 4-0.

Stipulations:

1. Prior to recording, AutoCAD files shall be submitted to the Town.
2. A fee in lieu of open space equal to 10% of the value of the land shall be applied to all lots in the subdivision. The Final Plans must include the following statement: "A Fee-In-Lieu of Open Space of \$14,000 was approved by the Planning & Zoning Commission, each new lot shall be assessed \$4,666.66."
3. Easements shall be recorded prior to recording of plan.

Old Business:

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

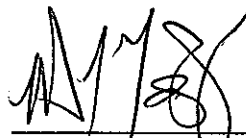
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Mr. Tamsky, Mr. Prue, Mr. Young, Mr. Marseglia, and Mr. Lynch were seated for the deliberations on this application.

Mr. Prue stated that he had reviewed previous meeting transcripts and the entire central file.

Mr. Lynch stated that the applicant has the right to build on the property and to fill and excavate, but there need to be stipulations to protect the area from effects of the blasting. Mr. Prue felt an action plan for disruption of water supply was needed. Mr. Marseglia and Mr. Prue agreed that the liability would be with the blasting contractor's \$7 million dollar insurance. Mr. Lynch can find no "fatal flaw" that would allow for denial. Mr. Marseglia feels that the application meets the requirements of the regulations and is concerned with both lawsuits against the Town and alternative as-of-right development. There was a discussion of whether the project fit the character of the neighborhood. Mr. Lynch wanted the Architectural Review Board to re-look at the application in an effort to ensure the project fit the character of the neighborhood as well as possible. There was discussion of the density comparisons between single family housing and attached housing. Mr. Tamsky brought up the Town Attorney's opinion letter regarding ZR 6.6.7. Mr. Brynes stated that ZR 6.6.7 doesn't apply but certain requirements within it could be used to protect the neighbors. Mr. Marseglia struggled with the Town Attorney's opinion. Mr. Prue thought that ZR 6.6.7 referenced gravel bank operations. They discussed the ten-foot cut issue and excessive run off. Mr. Tamsky wondered about the increase in the traffic. There was discussion of the effect on the trees due to roadway changes. Mr. Brynes read the definition of integral lot area. Mr. Lynch asked that Mr. Brynes explain the impacts of stipulation #15 regarding the Integral Lot Area at the next meeting. The processing of material on site, rock crushing and their implications were discussed. The Town Attorney's opinion letter suggested stipulating this issue. Mr. Brynes reviewed the proposed recommended stipulations. Mr. Marseglia will rewrite Stipulation number 14.

Mr. Prue made a motion to adjourn the meeting. Mr. Marseglia seconded. The motion was unanimously approved. The meeting was adjourned at 10:32 P.M.

 11/15/11

Robert Marseglia, Secretary