

Special Meeting

The 1456th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, November 1, 2011 at Mystic Middle School, 204 Mistuxet Ave., Mystic, CT. Acting Chairman Ben Tamsky called the meeting to order at 7:03 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 Mr. Lynch

Minutes:

Mr. Marseglia made a motion to approve the minutes of 9/12/11 with a correction. Mr. Prue seconded. The motion was unanimously approved, 5-0.

Mr. Marseglia made a motion to approve the minutes of 9/20/11. Mr. Lynch seconded. The motion was approved, 4-0-1.

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

Mr. Marseglia made a motion to approve the minutes of 10/18/11. Mr. Prue seconded. The motion was unanimously approved, 5-0.

Correspondence:

Mr. Marseglia read a letter from Lois Kane expressing interest in creating a walking/bike path. She will be referred to Staff and the Plan of Conservation.

Mr. Tamsky referenced a letter he had received from Maggie Jones, Director of The Pequotsepos Nature Center, signed by multiple supporters, urging the Town to purchase the Coogan property for open space.

Administrative Review:

ZON 11-250 Brustolon Buick Pontiac, Inc. - Zoning Permit application for building façade and interior renovations. Property located at 47 Stonington Rd., Mystic, CT. Assessor's Map 160 Block 1 Lot 5, Zone GC-60.

Architect David Atkinson reviewed the proposed renovations to change the façade with an eyebrow arch, white walls, and aluminum panels. He stated that the application was reviewed by the Architectural Design Review Board with a recommendation that more landscaping be added, there is no change to the site plan, and signage will be addressed in a separate special use permit application. Mr. Marseglia thought the white surface panels were very stark and not compatible with the downtown Mystic townscape. Mr. Atkinson stated that this is the look of car dealerships today and the design came from a General Motors (GM) directive. Chairman Tamsky asked for confirmation from the applicant that there would be no parking on the grass in front of the merchandise display area, and noted that he did not care for corporations dictating to local commissions/governments but did not personally have a problem with the design, feeling that it was a matter of personal taste. Commission members discussed "push back" against the GM corporate directive with Mr. Atkinson. They asked Mr. Brynes if there were any issues on the site that would prevent the application from being approved.

Mr. Prue made a motion to approve the application. Mr. Mercer seconded. Mr. Marseglia brought up ZR 4.9.10.4 – compatibility with materials and colors. Mr. Brynes pointed out that that regulation was applicable to zoning district HI-60, not GC-60. The motion was approved, 4-1.

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

Old Business:

PZ1130SPA Town of Stonington BOE – Site Plan Application to permit municipal athletic field sponsorship panels on previously approved scoreboard. Property located at 176 South Broad St. Pawcatuck. Assessor's Map 25, Block 1, Lot 19. Zone RR-80.

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Bill King, Facilities Manager for Stonington Public Schools, asked the Commissioners if they had any questions regarding the application. Commission members discussed where this might affect other fields and it was stated that the one municipal field that the Board of Education did not have oversight of was at the Pawcatuck Water Treatment site. Mr. Prue felt the previously approved regulation was flawed and had been rushed to get the scoreboard built prior to the Thanksgiving game. Mr. Tamsky asked that Mr. Prue and Mr. Lynch work on an alternative amendment. Ms. Hoffman asked that the Town Attorney review the legality of the previously approved municipal athletic field sponsorship panels regulation amendment (PZ1126RA).

Mr. Marseglia made a motion approve the application. Mr. Prue seconded. The motion was approved, 4-1.
Roll Call: Prue - approve, Tamsky - deny, Marseglia - approve, Mercer - approve, Lynch - approve

Mr. Marseglia stated that he thought the Town Attorney should review the legality issue before having other Commission members research a new amendment. Mr. Prue and Mr. Tamsky thought it would be acceptable since there were Commissioners interested in further regulation on the issue. Mr. Marseglia was of the opinion that the Commissioners wanted the amendment revisited because they were unhappy with the application's outcome, not having been present at the meeting it was approved.

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.*

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

Mr. Marseglia made a motion to approve the applications and then rescinded it. Mr. Marseglia made a motion to approve the Subdivision and Special Use Permit applications. Mr. Prue seconded.

Mr. Brynes discussed the definition of integral lot area, ZR 6.6.15.2, and required "flatness" of the area. Discussion on the issue concluded by deleting proposed Stipulation #20. It is the Town Attorney's opinion that ZR 6.6.6.7 does not apply to this application, but parts of it could be grafted onto stipulations so as to apply reasonable limits to safeguard the neighboring properties. At Mr. Tamsky suggestion, commissioners discussed the stipulation changes that were agreed upon at the last meeting: adding "The Town shall be listed as an additional insured," to Stipulation #10i. Mr. Prue asked if this language was sufficient to cover all liability aspects. Mr. Brynes said it seemed to have been adequate in other cases. Mr. Marseglia felt the wording of Stipulation #10j referencing an action plan to address potential well failures was vague, suggesting the wording include the requirement that the action plan be reviewed by the Town Engineer. Mr. Lynch asked that the Town Attorney review the liability insurance requirements. Mr. Tamsky wanted the Town Attorney to review the language prior to voting on the application. Mr. Brynes explained that the review of the insurance would have to occur prior to any blasting. It was agreed that Stipulation #10 read, "... for approval by the Town Planner, Town Engineer, Town Attorney, and local fire marshal (hereafter local officials). Mr. Marseglia was concerned that the wording of Stipulation #9 would allow for two units to be combined in order to create a larger unit, not necessarily a unit with more than two bedrooms. Wording was changed to clarify the stipulation. Mr. Marseglia reviewed the wording in Stipulation #14 regarding tree removal on Mary Hall Rd. Commissioners are in agreement with the text. Stipulations for rock crushing, heavy machinery use, and construction standards were discussed. Mr. Prue thought processing fill on site would have the least impact and would speed the project's progress. Stipulation #18 was clarified to ensure that no excavated or processed materials would be used for off-site projects. Mr. Prue thought that expert testimony given should be held in a higher regard. Mr. Tamsky did not want anyone to think that the Commission did not consider traffic issues.

Mr. Marseglia withdrew his motion. Mr. Prue withdrew his second.

Mr. Marseglia made a motion to approve the re-subdivision application. Mr. Young seconded.

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Mr. Marseglia withdrew his motion. Mr. Young withdrew his second.

Mr. Marseglia made a motion to approve the re-subdivision application with the 19 stipulations discussed and agreed upon. Mr. Young seconded. The motion was unanimously approved, 5-0.

Mr. Marseglia made a motion to approve the special use permit application with the 19 stipulations discussed and agreed upon, and the finding that the application is consistent with ZR 6.4. Mr. Young seconded. Mr. Prue commented that the public's participation in the process improved the application outcome. The motion was unanimously approved, 5-0.

Stipulations:

1. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of any Zoning Permits. The bond amount shall be established by the Town Engineer after an estimate of the construction cost is provided by the applicant and approved by the Town Engineer.
2. The applicant shall post a Performance Bond prior to the issuance of any Zoning Permits. The bond amount shall be established by the Town Engineer after an estimate of the construction cost, including site landscaping, is provided by the applicant and approved by the Town Engineer.
3. The applicant shall submit an inspection fee equal to 5% of the total cost of site improvements for inspection services relative to erosion and sediment control, construction of the stormwater quality basins, installation of the underground stormwater detention system, installation of the sanitary sewer and the pavement restoration within Mary Hall and Greenhaven Roads. The developer is responsible for any inspection costs that exceed this 5% amount.
4. Driveway locations for the seven residential lots shown on the site development plans shall remain as depicted. A site plan for each lot shall be submitted with the Zoning Permit application and copied to the Town Engineer for review. If a different driveway location is proposed a new sightline plan and analysis must be performed and provided to the Town Engineer for approval prior to the submission of a Zoning Permit application.
5. Final plans shall include a permanent sightline easement on Lot 7 in favor of the 68 unit attached housing development to ensure that the required sight line distance for vehicles entering onto Greenhaven Road from "Road B" can be maintained at all times.
6. Final plans shall indicate on Sheet C-5 that the additional open space shall be conveyed to the Town of Stonington, an appropriate land trust organization or a home owners association.
7. Final plan shall depict new address and lot numbers as assigned by Town. New private street names shall be approved by staff after referral to police and fire officials.
8. Prior to recording, AutoCAD files shall be submitted to the Town.
9. No individual attached home shall have more than two bedrooms, nor shall such attached homes be combined.
10. Before commencement of any blasting, developer shall submit a blasting plan prepared in consultation with a blast vibration consultant for approval by the Town Planner, Town Engineer, Town Attorney and local fire marshal (hereafter local officials).

Said plan shall include, but not necessarily be limited to, the following components:

- a. Developer shall offer to have said blast vibration consultant conduct a pre-blast survey with respect to all property within 500 feet of the property boundary. Developer shall also have such a pre-blast survey conducted with respect to any property within 1500 feet of the property boundary if requested by such property owner. Said surveys are intended to document the pre-blast condition of such property and structures thereon.
- b. Developer shall also have said blast vibration consultant conduct pre-blast testing with respect to two potable water wells for capacity and quality. Said testing shall be conducted upon the two closest wells to the blasting area as identified in said blasting plan for which property owner consent can be obtained.

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- c. The blast plan shall incorporate intended blast hole patterns, hole size, blasting agents and explosives, stemming, pounds per delay, delay patterns and delay specifications.
 - d. Each blast shall be monitored by four seismographs (located at the nearest property boundary on a north, south, east and west direction from the blast site) to measure both blast induced vibrations and airblast levels and the computation of peak particle velocity. All such results and a "blast report" in a form(s) substantially in accordance with that attached hereto shall be provided to said local officials and blast vibration consultant.
 - e. The seismographic results shall be reviewed by such blast vibration consultant and any blast plan modification recommended as a result thereof shall be forwarded to said local officials and be implemented by the developer.
 - f. All blasting shall be conducted by a Connecticut licensed blaster.
 - g. In advance of each blast, telephone notice shall be provided to the Town of Stonington Police Department and to all neighboring property owners who request to receive such notice.
 - h. No explosives will be stored on-site during non-work hours.
 - i. The developer or the entity conducting blasting on behalf of the developer, if a different entity shall be required to have and maintain insurance liability coverage in the amount of \$7,000,000. The Town shall be listed as an additional insured.
 - j. The applicant shall develop an action plan, to be reviewed by the Town Engineer, to address any potential well failures and provide temporary water supplies as quickly as possible.
11. All recommendations set forth in the Conclusions and Recommendations section of the report of Archaeological and Historic Services, Inc. (AHS, Inc.) dated August 15, 2011 shall be complied with. Following delineation in the field by AHS, Inc. of the areas of sensitivity and a grid for shovel test pits and adjustment thereof if deemed necessary by AHS, Inc., the excavation and resource recovery (generally shallow) will be conducted under the supervision of AHS, Inc. The Commission reserves the right to require modified development plans should development and/or archaeological investigations result in the discovery of significant resources that according to the State Archaeologist's Office should be preserved in place.
 12. All sewer installation shall conform with Article XII, Hookups, of the Rules and Regulations of the Stonington Water Pollution Control Authority. The sanitary sewer system constitutes a "community sewerage system" and therefore a homeowner's association consisting of all properties served by the sewer system must be established and enter into an operation and maintenance agreement with the Water Pollution Control Authority prior to any use of the system.
 13. Engineered design plan with respect to the installation and extension of water main, both to the project site, as well as any off-site improvements such as the required/proposed 12 inch parallel line in Greenhaven Road, shall be submitted to the Town of Westerly, Utilities Division for approval before the commencement of such activity. As-built plans shall be provided to said Division and successful testing of the constructed water system at the applicant's expense shall be required prior to the acceptance of the water line and connection to the residential units it is intended to serve. A back-flow prevention device acceptable to said Division shall be installed in conjunction with the pool/clubhouse. Plans shall also be submitted to the Stonington Department of Public Works for review and approval concerning the final restoration of the paved roadway.
 14. The developer is directed to move or remove the 40' maple tree near 78 Mary Hall Road to avoid changing the paved surface of the town Roadway (Mary Hall Road). Prior to removal of any of the seven trees along Mary Hall Road (as shown on Sheet 2 of the "Crescent Club Subdivision Sightline Plan" dated 11/9/10), the developer shall provide written notification to property owners for trees removed from the right-of-way in front of their property and request permission to plant an 8-foot tall tree on their property but near the right-of-way line. The property owner should be given two weeks to respond in

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writing and if a response is not obtained or a response is negative, a tree shall be planted on the developer's property instead.


15. No rock crushing or use of heavy machinery shall be permitted between the hours of 5:00PM and 8:00AM on weekdays, nor anytime on weekends or legal holidays.
16. Rock crushing location shall be approved by Town staff in a central location and sited to have the least impact on surrounding neighbors.
17. Construction shall comply with the Construction Standards of Section 7.4.
18. Excavated and/or processed material shall be used only on-site or for off-site improvements associated with this development.
19. Excavation of vertical cuts shall not exceed ten feet at any one time.

PZ1129SD & GPP Robert & Margaret Gilbert - Subdivision and Groundwater Protection Permit applications for a 2-lot subdivision. Property located at 704 Al Harvey Rd., Stonington. Assessor's Map 114 Block 1 Lot 2. Zone RR-80.
Application withdrawn.

Public Hearings: 7:30 p.m.: None

Mr. Prue asked that discussion of the POCD be put on the agenda in the near future to allow for the update process to begin. Mr. Young asked about financing and it was agreed that they get started without funding. It will be put it on future agendas so the Commission will be able to address it as time permits. Mr. Tamsky asked that the Election of Officers also be put on the agenda. It was noted that the election needed to wait until another member is appointed to the Commission by the Board of Selectmen, likely after the upcoming November 8th elections.

Mr. Marseglia made a motion to adjourn the meeting. Mr. Young seconded. The meeting was adjourned at 9:31 P.M.

 12/6/11

Robert Marseglia, Secretary