

Regular Meeting

The 1459th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, December 20, 2011 at Mystic Middle School, 204 Mistuxet Ave., Mystic, CT. Acting Chairman Ben Tamsky called the meeting to order at 7:01 P.M. Present were Commissioners Rob Marseglia, John Prue, Frances Hoffman, and Bob Mercer; Alternate Gardner Young, and Acting Director of Planning/Town Planner Keith Brynes. Alternate Curt Lynch was absent.

Seated were Mr. Marseglia, Mr. Tamsky, Mr. Mercer, Mr. Prue, and Ms. Hoffman. Ms. Hoffman has been appointed and sworn in as a Regular commission member.

Approval of Minutes:

#1452, September 14, 2011, approved, not signed; #1457, November 15, 2011, approved, not signed; #1458, December 6, 2011

Mr. Marseglia made a motion to approve the minutes of December 6th with one correction. Mr. Mercer seconded. The minutes were unanimously approved, 5-0.

Commission Initiatives:

Election of Officers

Mr. Mercer made a motion to elect Rob Marseglia as Chairman, John Prue as Vice Chair, and Frances Hoffman as Secretary. Mr. Prue seconded. The motion was unanimously approved, 5-0.

Discussion of 2014 Plan of Conservation and Development

Ms. Hoffman had not yet drafted a Steering Committee member application. Mr. Prue reported he had researched other towns' POCDs and thought our 2004 Plan could be used as a template. He felt clearer categories/themes would provide a more helpful flow to the Plan. Themes mentioned by Mr. Prue included: context/hard data, what we want to protect, how we want to grow, what we want to provide, and summary/implementation. Ms. Hoffman stated that, rather than just giving the Committee a template, provide guidance and options for structuring the Plan to allow for better evaluation of existing data and more creativity. Mr. Tamsky agreed, and felt that the Steering Committee should be advising the PZC, not the other way around. Chairman Marseglia asked Commissioners what they expected from the Steering Committee as a final product, an advisory list or a full report? There was discussion of frequency of committee reporting to the PZC and actual Plan authorship. Mr. Mercer suggested having Planimetrics do the writing based on the Committee's and PZC's review. Mr. Young felt that the writing needs to be done by people with some planning background. Mr. Mercer noted that he knew of several people who are interested in participating on the Steering Committee. Mr. Prue said that the Town of East Lyme did their Plan in-house and suggested having a representative from their group come speak to our committee once selected. Ms. Hoffman asked about the budget for printing and Mr. Brynes said funding has been applied for. Mr. Marseglia asked about number and cost of document printings. Mr. Brynes noted that the Zoning Regulations sell for \$25.00.

Chairman Marseglia confirmed that Ms. Hoffman will draft an application form for Mr. Brynes to forward to the Commission members.

Discussion of modifications to Section 6.6.7 - Excavations and Filling

Mr. Prue stated that he was still not sure of the purpose or intent of the regulation. He is concerned with water displacement issues and the effect on neighboring properties. Mr. Prue noted that gravel banks are permitted yet rock crushing, sorting, and sifting would not be allowed, a contradiction of the activities which normally take place in a gravel operation. Noting that there was significant language in the amendment regarding reclamation of quarry sites, he questioned whether this data was already in the Technical Standards, and if was not, should it be. Mr. Brynes said he was unsure whether it was in the Technical Standards. Chairman Marseglia felt there

Regular Meeting

needed to be very specific sections regarding commercial activity in an M-1 zone only, and excavation site work related to land development, shortening the regulation with the permitted activities clarified. Ms. Hoffman thought it needed to be clearer, wanted environmental impact and alternative procedures to be addressed, and suggested that this might require an entirely new regulation. Commissioners discussed the feasibility of requiring that rocks crushed on site as part of project site preparation had to be used entirely on site, concluding that it may not always be possible. Mr. Young agreed that rock crushing should be performed on site, not excavated, removed, and returned after processing. Any excavated materials not to be used on site should be removed and processed elsewhere. Mr. Tamsky wanted more time to review the proposed changes rather than doing a complete rewrite. There was agreement that having a minimum lot size requirement for rock processing was a consideration. Mr. Mercer thought the current regulation could be tweaked, suggesting commissioners do some homework in order to tackle it at the next meeting. Mr. Prue questioned whether the regulation should be rewritten in order to permit a commercial gravel operation. Mr. Tamsky and Mr. Mercer thought that rather than prepare for a hypothetical situation, they should wait until the need arises, allowing for an applicant to submit a text amendment. Mr. Prue will draft a rewrite for the January 3rd meeting.

Administrative Review:

PZ0360SD SUP & GPP Meehan Group, LLC (original applicant) / Toll Brothers Inc., (current applicant) –

Consideration of modification of plans to include easement areas for approved forty-eight lot subdivision. Property located on Whitehall Ave., Jerry Browne Rd., & Pequot Trail, Old Mystic. Map 165 Block 5 Lots 1 & 14, & Map 148 Block 3, Lots 1 & 3. Zones RA-40 & RR-80.

Mr. Brynes reviewed the modified site plans showing the various easements. Legal descriptions of the easements stating which entity (homeowners association, developer, or the Town) will be responsible for its maintenance, must be filed in the Land Records. Mr. Tamsky asked for confirmation that this request did not have any effect on the application currently in front of the Wetlands Commission. Ted Merchant of Toll Brothers explained the changes, including defining the detention basins, showing previously unidentified easements and basins, and responsibility for their maintenance. Mr. Prue questioned as to when and to what degree homeowners would be made aware of the maintenance agreement. Mr. Merchant replied that at closing, owners sign a Declaration of Covenants which includes a maintenance agreement. Mr. Brynes clarified that the Town will maintain the public roads and the Open Space will likely go to Stonington Land Trust who do not wish to be responsible for maintaining the basins. Chairman Marseglia found the plans difficult to understand, was unclear as to what the changes were and what they were being asked to approve. Mr. Tamsky and Mr. Mercer agreed and asked if DiCesare-Bentley could provide plans that provide a clearer understanding of the proposal. Commissioners discussed whether they should ask that all outstanding issues be addressed at the same time. Mr. Merchant noted that, although he did not foresee a closing occurring within the next 6 months, he wishes to get the changes out of the way to ensure there is no rush prior to closing time. Mr. Tamsky and Ms. Hoffman agreed that it would be acceptable to resolve issues individually, rather than all at once. Mr. Marseglia asked whether the Town Engineer had reviewed the plans. Mr. Merchant stated that he will provide the information the Commission has requested.

Mr. Tamsky made a motion to table the application. Mr. Prue seconded. The motion was unanimously approved.

Zoning Enforcement and Violations:

Mr. Tamsky asked about the automobiles improperly parked at the Brustolon auto dealership on Stonington Rd. Mr. Brynes said that a Zoning Complaint was filed and ZEO Larkin had spoken to their architect. Mr. Tamsky asked why a Notice of Violation was not issued and Mr. Brynes replied that Mr. Larkin took a "softer approach" since there was currently a Zoning Permit application in-house for signage.

Mr. Prue asked about the occupancy issue at Taylor Realty on Greenmanville Ave. Mr. Brynes said that the property owners need to apply for a Special Use Permit for a commercial building over 5000 square feet, noting

Regular Meeting

that he has left phone messages for them. Mr. Tamsky asked if they were in violation and Mr. Brynes said they were not, since they were not yet using the second floor of the building.


Mr. Brynes said that Admiral Cove has been issued a Notice of Violation and if there is no response, the next step will be to issue a Cease and Desist Order.

As it has not been done since 2004, Mr. Prue made a motion to reappoint the Zoning Enforcement Officer at the next meeting. Mr. Mercer seconded. Mr. Prue said that the 2004 minutes stated that the ZEO appointment was left up to the then Director of Planning Jason Vincent's discretion. Mr. Marseglia asked for the text from the 2004 meeting minutes in order to update it.

The motion was approved, 4-1.

Roll Call: Prue - approve, Mercer - approve, Marseglia - approve, Hoffman - approve, Tamsky - deny

Mr. Tamsky made a motion to adjourn. Mr. Prue seconded. Chairman Marseglia adjourned the meeting at 8:56 P.M.



Frances Hoffman, Secretary