

## Special Meeting

The 1460<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, January 3, 2012 at Mystic Middle School, 204 Mistuxet Ave., Mystic, CT. Chairman Rob Marseglia called the meeting to order at 7:00 P.M. Present were Commissioners Ben Tamsky, John Prue, Frances Hoffman, and Bob Mercer; Alternates Gardner Young and Curt Lynch, 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:

#1458, December 6, 2011, approved, not signed; #1459, December 20, 2011

Ms. Hoffman made a motion to approve the minutes with 2 corrections. Mr. Mercer seconded. The minutes were unanimously approved, 5-0.

### Commission Initiatives:

Discussion of 2014 Plan of Conservation and Development – Mr. Brynes reviewed Ms. Hoffman's draft of the Steering Committee member application form. Mr. Tamsky took issue with the request for party affiliation and thought it should be deleted. Ms. Hoffman replied that she had included it because it was on other Town commission applications. Mr. Lynch asked about anticipated timing for results to allow for scheduling and reassessment. Chairman Marseglia suggested setting a deadline for application submittals, with February 24, 2012 as the agreed upon date. Mr. Brynes explained that a notice will be placed in the local newspapers and a press release issued. Some Commissioners thought the party affiliation should be included just to avoid any potential controversy. It was agreed that an end date of 2014 would be included.

Discussion of modifications to Section 6.6.7 - Excavations and Filling. Mr. Prue thought that going forward with adoption of the Technical Standards will make substantive changes to our Zoning and Subdivision Regulations. Mr. Brynes agreed that it will be a large undertaking but our zoning regulations still need to address some aspects of excavations and filling. Mr. Tamsky thought Mr. Brynes' revisions were good and addressed the issues. Mr. Prue claimed that there is no bank-run gravel left in town so that any company would need to import it in order to process it. He thought the task of revising the text was very big and would need to be reviewed by many technical advisors. Chairman Marseglia asked if there was consensus to allow Mr. Brynes go forward with a draft regulation for review prior to submitting a regulation amendment. Commissioners were in agreement and asked that Mr. Brynes also provide notes as to his reasoning behind the proposed changes.

Re-appointment of Zoning Enforcement Officer. Mr. Prue noted that the last time the Zoning Enforcement Officer was appointed was in 2004. He provided a draft two-page document addressing appointment of the ZEO. Mr. Prue felt the draft provided greater clarity.

Mr. Mercer asked to hear from ZEO Joe Larkin. Mr. Larkin reviewed State statutes and Stonington Town ordinances and regulations, stating that, in his interpretation, denotation of "agent" is singular and not an agency as the authority. He called attention to 8-12, "Such regulations shall be enforced by the officer or official board or authority designated therein," later amended to allow for the collection of fines for violations, which also uses the language that a single agent is the authority. He thought appointing an agency would be a slippery slope and might provide inconsistency. Mr. Mercer and Mr. Marseglia asked about delays in the permitting process. Mr. Brynes stated that Candace Palmer did sign off on permits when Mr. Larkin was on vacation. Mr. Prue challenged what Mr. Larkin had presented and thought there would be times when Mr. Larkin had conflict with applications.

Ms. Hoffman asked the Commission to step back from this discussion and look at where the Commission wanted the process to go. Mr. Larkin asked who gave the Director of Planning the authority to sign permits, something

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he thought was a conflict of interest. Mr. Tamsky thought the conditions had changed as there was less of a workload since the 2004 ZEO appointment language was approved by the Commission.

Mr. Larkin submitted two more documents, one regarding private property searches and the other being Attorney Londregan's opinion that there is no time limit for the ZEO to make a decision. Mr. Larkin went on to explain reasons why an application may be delayed, stating that the most common is that the applications are incomplete. Other applications are abandoned by the applicant.

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

#### Reports:

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

**ZBA #11-21 & CAM Chateau Jaune, LLC.**

Mr. Prue made a motion to approve the waiver of the A-2 survey. Ms. Hoffman seconded. The motion was unanimously approved, 5-0.

#### 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.

No representatives were present for this application.

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

**Review of procedure for permitting a temporary drive-in theater in Mystic Aquarium parking lot once a week during the summer.**

Mr. Brynes explained that the applicant has requested tabling of discussion on the matter.

**ZON11-278 Brookside Assoc. Ltd. Ptrnshp.** - Construct 35' x 10' storage shed at Brookside housing. Property

located at 111 South Broad St., Pawcatuck. Assessor's Map 37, Block 1, Lot 1A. Zones GBR-130 & GC-60.

Peter Reinhold, agent for the owners, explained that the shed's function is to store plywood sheets used to cover structure windows during storms.

Mr. Tamsky made a motion to approve the application. Mr. Prue seconded. The motion was unanimously approved, 5-0.

Mr. Mercer suggested changing the agenda format so that Commission Initiatives will be heard after Correspondence and Reports.

**ZON11-290 Garbarino V-4 Enterprises (My Dog's Place) –** Request expansion of dog physical therapy and training business in existing structure. Property located at 2 Avery St., Mystic. Assessor's Map 161, Block 17, Lot 4. Zone LS-5.

Mr. Brynes explained that this use falls under Personal Services and the applicant is looking to expand the business within the same building. Mr. Prue made a motion to approve. Ms. Hoffman seconded. The motion was unanimously approved, 5-0.

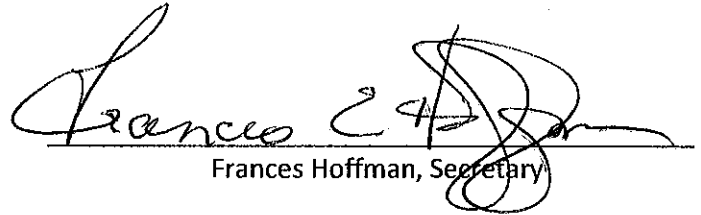
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## Old Business:

**PZ1133BR Pequot Development Associates** - Application for reduction of Public Improvement Bond posted to satisfy requirements of proposed construction activity related to PZ0803SD & GPP. Original bond instrument was a Letter of Credit for \$981,568.13. Applicant received a reduction to \$300,000.00 on 8/17/10 & requests a further reduction to \$150,000.00. Property located at 56 Jeffrey Rd., Pawcatuck. Assessor's Map 17, Block 1, Lot 6, Zone RM-20.

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

Mr. Prue made a motion to adjourn the meeting. Mr. Mercer seconded. The motion was unanimously approved. The meeting adjourned at 8:53 P.M.



Frances Hoffman, Secretary