

Regular Meeting

The 1463rd meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, February 21, 2012 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Rob Marseglia at 7:00 P.M. Present for the meeting were Commissioners John Prue, Frances Hoffman, Bob Mercer, and Ben Tamsky; Alternates Curtis Lynch and Gardner Young, and Interim Director of Planning / Town Planner Keith Brynes.

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

Approval of Minutes:

Ms. Hoffman made a motion to approve the 2/7/12 minutes with a change. Mr. Mercer seconded. The motion was approved, 4-0-1.

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

Administrative Review:

Sea Research Foundation / Mystic Aquarium – Request clarification of approval process for permitting a temporary "drive-in theater" in southeast corner of site parking lot. Property located at 55 Coogan Blvd., Mystic. Assessor's Map 164 Block 3 Lot 2 Zone TC-80.

Keith Sorensen, Facilities & Capital Projects VP at the Aquarium, presented the request to have a special trial run of the temporary drive-in theater on 4/20/12 to coincide with the opening of the Titanic Exhibit, and eight additional movies once-weekly on dates in July and August. Mr. Sorenson described the portable screen, providing dimensions, location, and its approximate visibility from various locations. Cassandra Meyer-Ogren, also representing the Aquarium, discussed how traffic to the event would be controlled, stating that the corner parking lot location would provide for better traffic flow.

Mr. Prue raised the question of whether a drive-in theater could be permitted as an accessory use even though it is expressly prohibited as a primary use. Chairman Marseglia asked whether the proposal could be considered an outdoor exhibit. Mr. Young and Mr. Mercer felt the temporary (daily up-and-down) nature of the event makes it an exhibit. Ms. Hoffman and Mr. Prue asked about the visibility of the screen from Route I-95, and Mr. Lynch felt the traffic plans should be given to the Police Department for their review. Mr. Prue felt the Commission could permit a trial run and then determine the type of permitting required for future events, suggesting a site plan application. Chairman Marseglia felt there should be a public hearing. Ms. Hoffman suggested a text amendment to add the word "permanent" to the prohibition on drive-in theaters. Commissioners discussed the timing required to submit and process a Regulation Amendment for a public hearing, suggesting the applicant submit a zoning permit for the April 20th trial run.

Mr. Prue made a motion for staff to submit a text amendment adding "non-permanent" to ZR 4.5.3.24 Theaters (except drive-ins). Ms. Hoffman seconded. The motion was approved, 4-0-1.

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

Mr. Mercer made a motion to allow the applicant to submit to the Commission for Administrative Review, a zoning permit application for an April 20, 2012, one-time drive-in movie showing at the Aquarium. Mr. Prue seconded. Mr. Tamsky and Ms. Hoffman were concerned that it appeared the Commission was giving their tacit approval by directing the applicant to apply. ZEO Larkin suggested considering adding "Special Events" to the Regulations. Chairman Marseglia felt there may be a need for the Aquarium to have an overlay district with a master plan to allow for some flexibility. Mr. Lynch noted that the Aquarium site has minimal impact on residential areas. Ms. Hoffman would like to see some wording for a "Special Events" amendment. The motion was approved, 3-2.

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

Realizing they had skipped Agenda Item 4D: Zoning Enforcement & Violations, the Commission asked Mr. Larkin to proceed.

ZEO – Zoning Enforcement

Zoning Enforcement Officer Joe Larkin provided the Commission and Interim Director of Planning / Town Planner Keith Brynes with paperwork regarding Zoning Permit application #12-016, a request to construct a single family residence on a parcel previously created as part of an agricultural split. Mr. Larkin requested the Commission review the documentation and provide instruction as to how to proceed. Discussion will be placed on the 3/6/12 PZC meeting agenda.

The Commission returned to Administrative Review Item 4E2.

ZON12-019 John Garbarino (Big Y Foods) – Request approval for store parking lot lighting improvements. Property located at 79 Stonington Rd., Mystic. Assessor's Map 153 Block 1 Lot 1 Zone. TC-80.

Mr. Brynes gave a brief history of the issues with the store parking lot lights, explaining that there have been complaints about the brightness of the existing lights and that the applicant is looking to significantly reduce the current light pollution.

Tony Coppola, Director of Facilities Management for Big Y Foods, explained the proposed re-lamping of the parking lot, noting that he worked closely with Mr. Harold White, a neighbor affected by the overly bright lighting. Mr. Coppola explained that the lights will be full cut-off and reduced in height from 42' to 30' & 31'. He added that they are looking to achieve an 85% reduction in the brightness. Mr. White spoke, complimenting Mr. Coppola and Big Y on their responsiveness to his complaint.

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

Commission Initiatives:

Discussion of 2014 Plan of Conservation and Development – Mr. Brynes stated that applications for Committee members are due February 28th, with seven having been received. Commissioners discussed reaching out to the other land use boards again and recruiting individuals with specific skills. Chairman Marseglia suggested that, at the March 6, 2012 meeting, the Commission set a date to conduct POCD Committee member interviews.

First Selectman Edward Haberek addressed the Commission regarding the Capital Improvement Program (CIP) budget stating that they needed to speak to the Board of Finance in support of the proposed \$30,000.00 (\$15K each for FY 2013 & FY2014) funding for the 2014 POCD. Chairman Marseglia questioned whether the POCD Committee would make the decisions on how the funds would be allocated. Mr. Prue felt the committee should have representation from all Town departments since the POCD involves all facets of Town operations.

Discussion of modifications to Section 6.6.7 - Excavations and Filling
Re-appointment of Zoning Enforcement Officer

Mr. Tamsky made a motion to table the remaining Commission Initiatives. Ms. Hoffman seconded. The motion was unanimously approved, 5-0.

Mr. Mercer suggested that Commission Initiatives be moved to end of the agenda.

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Mr. Mercer recused himself from the next two applications. Chairman Marseglia seated Gardner Young.

Old Business:

PZ1131SD & CAM Clara M. Coogan Trust - Subdivision and Coastal Area Management Review applications for a 2-lot subdivision. Property located at 162 Greenmanville Ave. & Pleasant St., Mystic. Assessor's Map 172 Block 2 Lot 5. Parcels included as part of proposed Open Space are Assessor's Map 163 Block 1 Lots 5A & 9. Zones RM-15, RA-20, & RA-40. *Public Hearing Closed 2/7/12.*

Mr. Brynes discussed the new comments from the Town Engineer regarding the speed limit on Clara Drive, and based on sightline distances, his recommendation for the removal of two cedar trees near a sharp turn in the road. Mr. Brynes reviewed the proposed stipulations and draft resolutions for approval.

Mr. Prue and Mr. Marseglia felt the requirement for the applicant to go back before the ADRB could hold up the start of the project, noting that PZC would still have final say on any changes made by the ADRB. Mr. Brynes pointed out that proposed stipulation #6 would require the applicant to return to the Conservation Commission. Commissioners discussed wording of stipulation #5 regarding the detention basin on Lot #2, agreeing to strike the stipulation entirely from the Subdivision application, addressing it instead in the Special Use application. Mr. Prue was concerned that the Pequotsepos Nature Center was not a "recognized land trust," and as such, based on the Zoning Regulations, is not able to accept the Open Space. Mr. Tamsky felt the decision of who gets the Open Space can be decided after approval. Chairman Marseglia felt that the Commission was convinced by the testimony given that the Nature Center was able to accept the Open Space.. Mr. Young explained the Probate Court issues that would arise were a lot line revision to be done now.

Mr. Prue made a motion to approve the CAM application and resolutions for **PZ1131SD & CAM Clara M. Coogan Trust**. Mr. Young seconded. The motion was unanimously approved, 5-0.

Mr. Prue made a motion to approve the Subdivision application with the five modified stipulations and the resolutions for **PZ1131SD & CAM Clara M. Coogan Trust**. Mr. Tamsky seconded. Mr. Prue was concerned that the Open Space did not have sufficient quality or connectivity to the other parcels. He also felt there is a need to look at current zoning on the remaining parcel in order to protect one of the last large, undeveloped acreage in that section of Mystic. Ms. Hoffman said she didn't see the connectivity with the proposed developed parcel. Mr. Brynes explained that it would be spelled out in Stipulation #5 (previously #6). The motion was unanimously approved, 5-0.

Stipulations:

1. Final plan shall depict new address and lot numbers as assigned by Town.
2. Prior to recording, AutoCAD files shall be submitted to the Town.
3. Proposed easements shall be recorded along with the subdivision plans.
4. Open space set-aside shall be deeded to an appropriate entity along with the recording of subdivision plans.
5. Final plans shall depict location of walking trails in the open space set-aside with connections to the remaining Coogan Farm property, abutting open space properties and along western boundary of Lot #2 to Clara Drive. This plan shall be reviewed by the Commission prior to recording through the Commission's Administrative Review process after being submitted to the Conservation Commission for comment.

PZ1132SUP & CAM Clara M. Coogan Trust – Special Use Permit & Coastal Area Management Review applications for phased development of a 245-unit Congregate Living Facility on 18.02 acres to be created through subdivision of a ±52.07 acre parcel. Phase 1 proposes 125 units and Phase 2 proposes 120 units.

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Property located at 162 Greenmanville Ave., Mystic. Assessor's Map 172 Block 2 Lot 5. Zones RM-15 & RA-40.
Public Hearing Closed 2/7/12.

Mr. Prue made a motion to approve the CAM application with the eleven stipulations recommended by staff for **PZ1132SUP & CAM Clara M. Coogan Trust**. Ms. Hoffman seconded. Mr. Tamsky noted that the CAM did not require the stipulations and the resolutions needed to be included in the motion. Mr. Prue withdrew his motion and Ms. Hoffman withdrew her second.

Mr. Prue made a motion to approve the CAM application and the resolutions for **PZ1132SUP & CAM Clara M. Coogan Trust**. Ms. Hoffman seconded. The motion was unanimously approved, 5-0.

Mr. Prue made a motion to approve the Special Use application with the eleven stipulations and the resolutions for **PZ1132SUP & CAM Clara M. Coogan Trust**. Mr. Tamsky seconded. Commissioners discussed adding the deleted stormwater drainage basin stipulation from the Subdivision application to the Special Use application. It was agreed to add Stipulation #12 as follows: "Maintenance and responsibility for detention basin shall be with the applicants and subsequent owners of Lot #2."

Mr. Prue made a motion to modify his motion to approve the Special Use application to include Stipulation #12 as discussed for **PZ1132SUP & CAM Clara M. Coogan Trust**. Mr. Tamsky seconded. 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 sanitary sewer and stormwater system within the Town ROW and pavement restoration within Clara Drive. The developer is responsible for any inspection costs that exceed this 5% amount.
4. Construction shall adhere to restrictions on ledge removal and processing of excavated materials on Sheet 21. Rock crushing location shall be approved by Town staff in a location sited to have the least impact on surrounding neighbors.
5. Construction shall comply with the Construction Standards of Section 7.4.
6. Final plans must show location, appearance and size of proposed carports. Carports shall not be located in building setbacks or exceed the maximum floor area ratio.
7. Final plans shall show compliance with the parking lot landscaping requirements of Section 7.10.6.
8. Final plans shall be reviewed by the Architectural Design Review Board regarding compliance with the Board's 11/16/11 comments prior to the issuance of any Zoning Permits. Minor modifications to plans or building elevations may be reviewed by the Planning and Zoning Commission through the Commission's Administrative Review process.
9. Final plans shall address Town Planner's comments dated 1/3/12.
10. Final plans shall be reviewed to the satisfaction of the Town Engineer.
11. Final site plans shall be recorded prior to the issuance of any Zoning Permits.
12. Maintenance and responsibility for the detention basin shall be with the applicants and subsequent owners of Lot #2.

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The Commission returned to agenda Item #6 - Correspondence. Mr. Mercer was reseated.

Correspondence:

Mr. Brynes discussed the letter from the Town of Ledyard Town Council regarding a March 6, 2012 meeting to discuss combined Planning & Zoning Commissions. They are looking for members/representatives from other PZCs to participate in a round table discussion. Mr. Brynes noted that the Ledyard meeting was the same evening as ours. Mr. Marseglia said that he has spoken with Kevin Dombrowski, Chair of the Ledyard committee, and asked the Commissioners for their input on the issue. Mr. Tamsky asked which type of applications each Commission handles.

Mr. Brynes discussed the letter from Town Attorney Tom Londregan regarding the approved Regulation Amendment for municipal athletic field sponsorship panels. He reviewed the options available to ensure its compliance with constitutional requirements. The Commission requested that it be put on the 3/6/12 meeting agenda for discussion.

The Commission returned to agenda Item #7 – Old Business.

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. Brynes presented the bond reduction request, noting that the Town Engineer had no issues with reducing the bond to \$150,000.00.

Ms. Hoffman made a motion to approve the application. Mr. Tamsky seconded. Chairman Marseglia said that he was satisfied that the remaining bond value since the roadway was completed. The motion was unanimously approved.

Mr. Mercer left the meeting at 10:31 P.M. Chairman Marseglia reseated Mr. Young

PZ1134SPA & CAM Latimer Point Condominium Assoc., Inc. - Site Plan Application & Coastal Area Management Review for proposed decks, deck additions, house additions & shed. Properties located at 16 North Shore Way, 1 Reid Rd., 14 Crooked Rd., 35 East Shore Rd., 43 East Shore Rd., & 55 East Shore Rd., Stonington, CT. Assessor's Maps/Blocks/Lots: 154/2/10, 154/4/7, 154/4/16, 154/6/4, 154/6/6, & 154/6/10. Zone RM-20.

Ms. Hoffman made a motion to table the application. John Prue seconded. The motion was unanimously approved, 5-0.

PZ1202 SPA & GPP Malico, LLC – Site Plan & Groundwater Protection Permit applications to construct a 1,680 s.f. commercial building and associated site improvements for driveway, parking, gravel storage, septic, utilities, and stormwater management. Property located at Taugwonk Rd., Stonington. Assessor's Map 67 Block 2 Lot 2. Zones GC-60 & RR-80.

Bob Schuch, Professional Engineer of Boundaries, LLC, presented the application, noting that Wetlands approval has been received, and the Architectural Design Review Board (ADRB) has given their approval of the building

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design. Mr. Schuch explained the proposed layout of the site improvements including stormwater drainage details and an overview of the landscaping plan.

Chad Frost, Landscape Architect of Kent & Frost Landscape Architects gave a more detailed review of the landscaping plan, explaining that intelligent choices were made in order to design it to fit with the area's aesthetic, leaving existing trees in order to provide additional buffers and designing the building to look like a barn rather than a commercial garage structure.

Ms. Hoffman stated that she was impressed with the design and thought that had gone into the site development. Mr. Prue asked what types of landscaping materials would be stored on site, Chairman Marseglia questioned what the ADRB acted on, and what types of building materials were proposed. Mr. Lynch commented that the landscaping plan was beautiful with an excellent specification of trees, but questioned whether the traffic sight line would be impaired. Mr. Tamsky asked about the storage of fertilizers on site.

Mr. Frost responded that materials stored on site for the owner's landscaping business would be containerized or palletized products such as pavers which would be there temporarily until they were moved to a job site, and there would be no bulk outdoor storage or retail sales. He replied that the ADRB had acted upon the landscaping and building design as presented in the application, and described the types of building materials to be used.

Commissioners agreed to require two additional stipulations of approval, one requiring down-facing and full cut-off signage lighting and one specifying exterior building materials on the final plan.

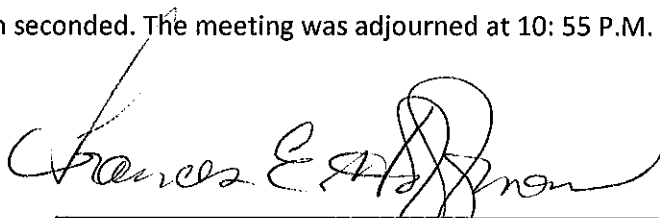
Mr. Brynes noted that all staff comments to the applicants had been addressed except the requirement that signage lighting must be down-facing and full cut-off, saying the applicants will change the plans to be compliant.

Mr. Tamsky made a motion to approve the application with the three stipulations recommended by Staff and the two additional stipulations as discussed by the Commission. Ms. Hoffman seconded. The application 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. Applicant shall send annual stormwater system inspection reports and maintenance logs to the Town Engineer.
3. Final plans shall address comments from the Town Planner dated 2/1/12.
4. Signage lighting shall be down-facing and full cut-off.
5. Exterior building materials shall be specified on final plan.

Mr. Prue made a motion to adjourn. Ms. Hoffman seconded. The meeting was adjourned at 10: 55 P.M.



Frances Hoffman, Secretary