

Special Meeting

The 1464th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, March 6, 2012 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Rob Marseglia at 7:01 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:

Mr. Tamsky made a motion to approve the minutes of 2/21/12. Ms. Hoffman seconded. The motion was unanimously approved, 5-0.

Reports:

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

ZBA 12-01 Joseph F. Grispio – Seeking a variance from ZR 5.1.1 bulk requirements to reduce lot size from 20,000 s.f. to 19,500 s.f. for construction of a single family residence. Property located on River Rd., Pawcatuck. Assessor's Map 7 Block 1 Lot 5. Zone RA-20.

Mr. Brynes reviewed the application. ZEO Larkin explained how the merger clause prevents these properties from being considered two separate building lots, noting that the one lot is 500 square feet shy of conforming to the bulk requirement of 20,000SF. Mr. Prue made a motion to approve the waiver of the A-2 survey. Mr. Tamsky seconded. The motion was unanimously approved.

Zoning Enforcement & Violations:

ZON12-016 Little Pond Farm, LLC – Zoning Permit application to permit a single family residence on a parcel created as part of a split "for agricultural purposes." Property located at 305 Pequot Trail, Pawcatuck. Assessor's Map 38 Block 1 Lot 3A Zone GBR-130.

Mr. Brynes reviewed the history of the subject parcel, noting that the PZC's 2009 interpretation coupled with the Town Attorney's opinion rendered the issue to be settled. ZEO Larkin summarized his interpretation of the subdivision regulations regarding the need for a subdivision application rather than an agricultural split, the permits and compliance issued since the split, and the subsequent request to build a single family residence on the parcel.

Attorney Theodore Ladwig spoke on behalf of the applicants, stating that that this is the worst kind of zoning that scares people and introduces uncertainty into the process. He referred to the PZC's original decision based on the State statute exempting an agricultural split from the subdivision process, uses permitted by the Deed of Conservation Restriction to the Connecticut Farmland Trust, and the action the Commission needed to address the issue before them. Mr. Mercer asked Attorney Ladwig for clarification of the free split taken on the property and Mr. Tamsky asked what the agricultural use of the property was. Attorney Ladwig replied that there was no question that a free split had been taken, and the agricultural use was raising and training horses.

Mr. Mercer felt the 2009 decision made by the Commission should be upheld. Commissioners said they appreciated Mr. Larkin's concern in the matter.

Mr. Prue made a motion to direct the ZEO to issue the zoning permit for a single family residence on the parcel. Ms. Hoffman seconded. The motion was approved 4-1.

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

Administrative Review:

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Consideration of Open Space trails for approved applications PZ1131SD & CAM and PZ1131SUP & CAM.

Mr. Brynes reviewed the Conservation Commission's opinion recommending that the placement of the trails be decided by the organization who acquires it. Mr. Lynch was adamant that there be a trail from the open space through to Clara Drive. Attorney Susan Pochal, speaking for the Coogan Trust, was surprised by the stipulation and thought that the western boundary might not be the best location for the trail. Commission opinion is that trails should go through the remaining 34-acre lot the DPNC is looking to acquire, but the Commission does not have jurisdiction over that parcel. Ricco Mastronunzio of Brom Builders spoke saying that they were trying to meet the stipulations of approval. Commissioners agreed that a site plan modification requesting the relocation of any trails could be submitted at a later date.

Mr. Prue made a motion that the applicant shall comply with stipulation of approval #5 for PZ1131SD & CAM regarding the proposed walking trail along the westerly property line of Lot#2, as highlighted in blue on Exhibit #1. Ms. Hoffman seconded. The motion was unanimously approved.

Old Business:

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.

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

Public Hearings: 7:30 p.m.

PZ1201SUP & CAM Town of Stonington WPCA – Special Use Permit & Coastal Area Management Review applications for the upgrade & restoration of existing Water Pollution Control Facility. Project includes construction a ±3,000 s.f. mechanical equipment building and associated improvements to site and equipment located on and within existing structures. Property located at 22 Edgemont St., Mystic. Assessor's Map 174 Block 20 Lot 1. Zones RC-120 & M-1.

Harold Storrs, WPCA Director, and WPCA board member Richard Cody presented the application. The existing plant is 40 years old and in need of upgrading. The proposal's purpose is to protect the habitat and the environment with the added capability to remove nitrogen from the water. The project is consistent with the Plan of Conservation and Development, and Mr. Mercer confirmed that the plans have a licensed engineer's stamp on them. Ms. Hoffman asked if they have considered using pervious pavement for the expanded parking. Mr. Storrs wasn't sure but did cite the need for large tractor trailer turnaround. Mr. Tamsky asked about the hours of operation and the traffic.

Public Comment: There was no public comment.

Mr. Brynes reviewed various aspects of the application noting that there was little comment from those agencies that had been routed the application. Ms. Hoffman asked about comments by the Town Engineer. Mr. Storrs confirmed that Mr. Sullivan was aware of the project but was not involved in it. Attorney Cody described the 5-year DEP permitting process that includes employee and safety concerns in addition to facilities. He believes there could be additional savings to the taxpayer by taking advantage of the current contractor climate.

Mr. Prue made a motion to close the Public Hearing. Mr. Prue withdrew his motion.

Rebuttal: None

Mr. Prue made a motion to close the Public Hearing. Mr. Mercer seconded. The motion was unanimously approved.

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

Mr. Prue made a motion to approve the requested waivers. Mr. Mercer seconded. The motion was unanimously approved.

Mr. Prue made a motion to approve the application with the five stipulations as modified. Mr. Mercer seconded. The motion was unanimously approved.

Stipulations:

1. The applicant or its agent 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. Final plans and Special Use Permit must be recorded prior to issuance of any Zoning Permits.
3. Final plans must include engineer's stamp on appropriate plan sheets.
4. Final plans shall update Sheet C-2 to show all proposed site improvements.
5. Final plans shall be reviewed to the satisfaction of the Town Engineer and Fire Marshal.

Commission Initiatives:

Discussion of 2014 Plan of Conservation and Development – Set meeting date to conduct Committee member interviews:

Chairman Marseglia suggested each Commissioner bring one question to the March 20th meeting for discussion in order to formulate a standard set of interview questions. Mr. Prue and Ms. Hoffman asked to be forwarded the applications to aid in crafting questions. Mr. Brynes said he would forward the applications to the Commissioners. Chairman Marseglia suggested starting the March 20th meeting at 6:00 PM to accommodate discussion. Interviews will be conducted at the April 3rd and April 17th meetings.

Town Attorney Tom Londregan opinion regarding the approved Regulation Amendment for municipal athletic field sponsorship panels. Review the options available to ensure it is in compliance with constitutional requirements: Mr. Prue suggested having a draft amendment ready to submit to the Commission by the May meeting.

Discussion of potential Regulation Amendment to permit temporary drive-in movie theaters:

Mr. Tamsky thought the removal of the word prohibition in the regulation does not work. Mr. Lynch talked about how the neighborhood is affected. Mr. Tamsky made a motion to not go forward with the amending the regulations. The motion failed. The Commission discussed various changes to the wording of the regulations and directed staff to submit the regulation amendment for the March 20th meeting.

Discussion of modifications to Section 6.6.7 - Excavations and Filling:

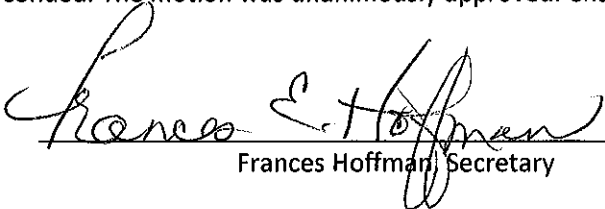
Mr. Tamsky made a motion to table the application. Mr. Prue seconded. The motion was unanimously approved.

Re-appointment of Zoning Enforcement Officer:

Mr. Tamsky made a motion to table the application until after the arbitration hearing findings have been released. Mr. Prue seconded. The motion was approved, 4-1.

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

Mr. Tamsky made a motion to adjourn. Mr. Prue seconded. The motion was unanimously approved. Chairman Marseglia adjourned the meeting at 10:27 P.M.



 Frances Hoffman Secretary