

Special Meeting

The 1466th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, April 3, 2012 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Rob Marseglia at 7:02 PM. Present for the meeting were Commissioners Frances Hoffman, Bob Mercer, Ben Tamsky and John Prue, Alternate Gardner Young, and Interim Director of Planning / Town Planner Keith Brynes. Alternate Curtis Lynch was absent.

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

Administrative Review:

ZON12-045 Alliance Energy, LLC - Zoning Permit application for installation of a blue/white fascia on existing fuel filling island canopy. Property located at 87 West Broad St., Pawcatuck. Map 3 Block 21 Lot 3, Zone LS-5.

Mr. Brynes explained the request to install a blue and white fascia on the existing canopy. The canopy would contain no signage. Al Whiting of Ready Imaging, Inc., further described the proposal. Mr. Brynes distributed comments on the application from Carlene Donnarummo. Ms. Donnarummo addressed the Commission stating that the proposal does not conform to the historic character of the area. She recommended a white background with signs on both sides facing the street, such as the Commission previously approved for other gas stations. Consensus of the Commission was that the white canopy with signs is preferred if the signs are allowed per the Zoning Regulations. Staff will investigate whether canopy signs would be allowed and the issue will be considered again at the next meeting.

ZON12-055 Sea Research Foundation / Aquarium - Zoning Permit application to permit a temporary "drive-in movie theater" on May 27, 2012, 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 Sorenson, Vice President of Facilities & Capital Projects, and Cassandra Meyer, Marketing Director, of Mystic Aquarium presented the application. Permission is currently sought for a one-time showing on May 27, 2012 from approximately 9:00PM to midnight to coincide the opening of the Aquarium's Titanic exhibit. A site plan was presented showing parking for up to 140 cars with the temporary screen on the west side of the parking lot. Up to 12 staff people will be available to direct drivers. The Police Commission is scheduled to consider the issue at their 4/12/12 meeting. Initial conversations with the Police Department and Old Mystic Fire Districts revealed no concerns. The public hearing for the Commission's Regulation Amendment to allow temporary drive-in events will take place at the Commission's 4/17/12 meeting.

Mr. Marseglia asked about hiring a police officer to direct traffic for the event. Mr. Brynes stated that the issue would be decided by the Police Commission at their meeting. Mr. Sorenson stated that the Aquarium would hire an officer if necessary. Mr. Prue stated that the Aquarium already has night events and that he was not concerned with the traffic in that area.

Mr. Prue motioned to approve the application. Mr. Mercer seconded. The motion was approved 4-1.

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

Mr. Tamsky stated that the regulations do not allow this use. Mr. Prue felt it is a grey area and the Commission should see how it works.

PZ1119SPA & GPP (CNU) Hendels, Inc. – Request modification to previously approved Site Plan & Groundwater Protection Permit (Change of Non-conforming Use) applications to consolidate two lots and construct a 20-foot paved strip to facilitate relocation of a dumpster and a parking space at convenience store/motor vehicle fuel pumping

Special Meeting

facility. Property located at 466 Liberty Street, Pawcatuck, CT. Assessor's Map 20 Block 3 Lots 1 & 2. Zone HI-60.

Mr. Brynes presented the application which proposes leaving the existing dumpster in its current location, rather than relocating it as proposed on the approved Site Plan. Store manager, Jerry Collette, described how moving the dumpster as approved would interfere with fuel delivery trucks and customers towing boats. The current request includes no changes to the amount of parking or the location of pavement.

Ms. Hoffman motioned to approve the application. Mr. Prue seconded. The motion was unanimously approved.

Ed Hart addressed the Commission and thanked them for their flexibility regarding the Aquarium drive-in movie issue.

Correspondence

Town Engineer, Larry Sullivan, addressed the Commission regarding charging applicants for the cost of third party engineering reviews of development proposals. Such fees are allowed to be collected up front only for subdivision applications with public roads. Due to budget constraints there is no longer a funded account for outside review for large or complex projects. Section 3.9.3 of the Town's Fee Ordinance already allows for the Town to charge developers for such costs. Placing a disclaimer or a signature page acknowledging the possibility of such charges could be added to land use applications to make developers aware of this potential cost. These fees would not be refundable should an application be denied. Inspection costs are generally not an issue since inspection fees are a regular stipulation of large approvals. Consensus of the Commission was to update land use applications to add such a signature to acknowledge the possibility of third party review fees. The Commission requested a review of updated applications. Staff should begin by simply adding an additional page to the applications.

Mr. Prue asked Mr. Sullivan about the Technical Standards document. Mr. Sullivan stated that the document is an important one for procedure and technical items such as stormwater standards. The document is yet to be formally adopted. Mr. Brynes stated that their formal adoption would require significant changes to the Zoning and Subdivision Regulations to replace outdated technical requirements and refer to the new document. Mr. Prue suggested that if the Department is shorthanded, outside help might be hired to work on the amendments. Mr. Marseglia stated that the Department may need more staff.

Mr. Prue motioned to place "Adoption of Technical Standards" as an agenda item under the "Commission Initiatives" section of the next agenda. 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. Prue motioned to table the application. Mr. Mercer seconded. The motion was unanimously approved.

Mr. Tamsky inquired about a recent zoning complaint about illegal dwelling units in Latimer Point outbuildings. Mr. Brynes stated he believes inspections revealed no violations but he would review the issue with the Land Use Enforcement Agent.

PZ1204BR Allied Development Partners - Application for reduction/release of Performance & Maintenance and Erosion & Sedimentation Bonds posted to satisfy requirements of proposed construction activity related to **PZ1021SD & GPP**. Original P&M bond instrument is a Letter of Credit for \$85,000.00 and E&S Bond is a Cash Bond (Bank Check)

Special Meeting

for \$5,000.00. Bonding is for a 3-lot subdivision of a 6.67± acre parcel located at 1225 Pequot Trail, Mystic. Assessor's Map 135 Block 2 Lot 1A. Zones RA-40 & GBR-130.

Mr. Prue motioned to table the application. Mr. Tamsky seconded. The motion passed unanimously.

PZ1206SPA Town of Stonington BOE – Site Plan Application to permit municipal athletic field sponsorship panels on new softball scoreboard at the high school. Property located at 176 South Broad St., Pawcatuck. Assessor's Map 25, Block 1, Lot 19. Zone RR-80.

Bill King, Board of Education Facilities Director, presented the application for a new softball scoreboard and sponsorship panels. The current scoreboard is old and failing. Mr. Brynes stated that the signage proposal is a total of 56 square feet which is below the amount allowed in the recently approved Regulation Amendment for Municipal Athletic Field Sponsorship Panels.

Mr. Prue stated that he thought the regulation amendment was only to allow these signs at the football field and asked how many of these signs would be approved. Mr. King stated that the initial proposal was to be able to have these signs at any public school field and that the ultimate number would be up to the Board of Education. Mr. Tamsky stated that the Commission was told the panels would only advertise local businesses but that McDonalds was going to have a panel. Mr. King stated that the panel was going to be advertising local McDonalds franchises with their addresses on the panel. McDonalds has since declined to advertise at the football field. Mr. Young agreed that a franchise, such as McDonalds is a local business.

Mr. Marseglia asked whether the Town Attorney's opinion on the regulation amendment affected the current application. Mr. Brynes reviewed the Town Attorney's 2/15/12 legal opinion on the regulation amendment which came to the conclusion that the regulation does not conform to the uniformity provision of CT General Statutes 8-2. The regulation allowed advertising panels for one owner, municipal schools, and not owners of private recreational fields. The Town Attorney's concern was that the Town would be opened to legal challenge from a private recreational facility claiming to be unfairly prohibited from having similar signs. Mr. Brynes stated that he spoke to the Town Attorney about whether there would be any issue approving the current Site Plan application based upon the regulation's shortcomings. His response was that there would be no issue in approving the Site Plan as long as it conforms to the regulation.

Ms. Hoffman was concerned that the total area of the advertising panels equals the area of the scoreboard itself. Mr. Prue stated that the scoreboard panels allowed in the regulation could forever change the look of the high school complex. Mr. Marseglia recommended that the Board of Education could prepare a Master Plan showing where all the panels would be located throughout the high school complex. This plan could be reviewed and approved as one Site Plan application. Mr. Prue stated that the regulation will have to be tightened up by the Commission.

Mr. Tamsky motioned to deny the application. Mr. Mercer seconded.

Mr. Mercer stated he would like to see the installed football field signs before voting. Mr. Brynes stated that the Commission would need to state its reasons for denial of the application. Mr. Marseglia questioned why the Commission would deny the application if it meets the regulations. Ms. Hoffman suggested that rather than deny the application, the Commission could suggest ways to improve the application concerning the relative amount and size of the advertising panels. Mr. Prue stated that the schools shouldn't operate as a profit center. Mr. King stated that the main benefit to the advertising panels is that the schools get new scoreboards for free. Mr. Tamsky replied that the advertisers also benefit.

The motion to deny the application failed 2-3.

Special Meeting

Roll Call: Prue - in favor of denial, Tamsky – in favor of denial, Hoffman – against denial, Mercer – against denial, Marseglia – against denial.

Mr. Prue motioned to approve the application. There was no second. The motion was withdrawn.

Mr. Prue motioned to table the application until the next meeting. Ms. Hoffman seconded. The motion was approved 4-0-1.

Roll Call: Prue – approve, Hoffman – approve, Mercer – approve, Marseglia – approve, Tamsky – abstained.

Commission Initiatives:

Discussion of 2014 Plan of Conservation and Development – Review draft interview questions for Committee applicants.

Mr. Brynes presented a draft of the final questions to be asked of the POCD Committee applicants. Ms. Hoffman recommended an additional question on how applicants view implementation of the plan and how they believe the current plan has been followed. The Commission agreed to add this question.

The Commission agreed to interview the candidates at the 5/1/12 and 5/15/12 meetings beginning at 6:00PM. Applicants could be divided between the 2 dates alphabetically. Interviews should be approximately 10 minutes each. The Commission praised Ms. Hoffman's draft charge for the new POCD Committee.

Discussion of modifications to Section 6.6.7 - Excavations and Filling

Mr. Prue stated that revised regulations should address excavation and filling associated with single family development which can often cause drainage problems for neighbors. The goal should be no increase in off-site run-off. Joe Larkin, Zoning Official, stated that a revised regulation should regulate the quantity of excavation and fill with a specific amount of cubic yards. This would be easier to enforce than the current regulation based on area. Ms. Hoffman stated that she will query a stormwater listserve for best practices. Following that query staff can work with the Zoning and Building Officials and Town Engineer to further develop revisions.

Re-appointment of Zoning Enforcement Officer

Mr. Larkin addressed the Commission and handed out copies of job descriptions and his March 2012 schedule. He stated that the job descriptions list his position as the only one that can issue permits. Mr. Larkin stated that the spreadsheet of Zoning Permits in the staff report does not account for the limited time that he is in the office. Mr. Prue stated that the Commission's authority in this area is very broad and is a separate issue from the union agreement. Mr. Larkin stated that the Commission's 2004 decision to make the department the ZEO was appropriate when the volume of permits and inspections was much heavier. Mr. Prue stated that the Commission needed a fair, efficient and timely process that accounts for conflicts of interest. Mr. Tamsky stated that the real problem is the Town cutting Mr. Larkin's hours to part time and that the Commission shouldn't interfere with the union's ongoing grievance process.

Mr. Tamsky motioned to eliminate Jason Vincent's name from the 2004 decision to appoint the ZEO. Mr. Mercer seconded. The motion was withdrawn.

Mr. Prue motioned that the Commission designate the ZEO position to the Department of Planning. There was no second. The motion was withdrawn.

Mr. Tamsky motioned to remove item 7C from the Commission Initiatives portion of the agenda. Mr. Mercer seconded.

Special Meeting

Mr. Tamsky stated there is no reason to decide this issue again. Mr. Mercer stated that he believes the Commission decision in 2004 was wrong. Mr. Brynes stated that the Town needs the flexibility of having the department be assigned as ZEO.

The motion passed 4-0-1.

Roll Call: Tamsky – approve, Mercer – approve, Marseglia – approve, Hoffman – approve, Prue – abstain.

Approval of Minutes:

Mr. Mercer made a motion to approve the minutes of 3/20/12. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

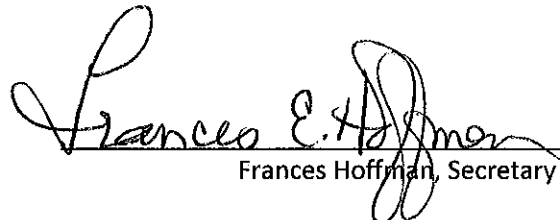
Future Public Hearings:

PZ1203SUP & GPP TFB3 LLC – Special Use Permit & Groundwater Protection Permit applications for construction of two multi-unit residential structures, a community building with caretaker unit on top floor, storage shed/garage, parking, and associated improvements. Property located at 100 & 102 South Broad St., Pawcatuck. Assessor's Map 25 Block 1 Lots 5 & 6, Zones LS-5 & RR-80. Applicant requests rescheduling of Public Hearing to 6/5/12.

Mr. Brynes stated that the applicant has requested rescheduling the public hearing, already rescheduled for 4/17/12, to 6/5/12.

Mr. Tamsky motioned to reschedule the public hearing for PZ1203SUP & GPP TFB3 LLC to 6/5/12. Mr. Prue seconded. The motion was unanimously approved.

Ms. Hoffman motioned to adjourn. Mr. Prue seconded. The motion to adjourn was unanimously approved. Chairman Marseglia adjourned the meeting at 10:50 PM.



Frances Hoffman, Secretary