

## Special Meeting

The 1468<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, May 1, 2012 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Robert Marseglia at 6:10 PM. Present for the meeting were Commissioners Frances Hoffman, John Prue, Ben Tamsky (6:40PM) and Robert Mercer (7:00PM); Alternates Gardner Young and Curtis Lynch. Interim Director of Planning / Town Planner Keith Brynes was also present.

Seated for the meeting were Mr. Marseglia, Ms. Hoffman, Mr. Prue, Mr. Young and Mr. Lynch.

**Commission Initiatives****Interviews of 2014 POCD Committee Candidates:**

An interview of five (5) applicants was conducted. Applicants interviewed were Bob Birmingham, Wendy Bury, Walter Grant, Jim Kelley, and Sara Lathrop. The balance of applicants will be interviewed at the next PZC meeting on 5/15/12. Appointments will be made on either 5/15/12 or in June.

**Discussion of the Director of Planning Position:**

Mr. Marseglia discussed a draft letter to the First Selectman urging him to fill the Director of Planning position. The PZC agreed to invite Mr. Haberek to a meeting to discuss the Director of Planning line item under his budget as well as keeping the Town Planner position. Mr. Marseglia asked Mr. Brynes to research whether there is a State Statute or Charter language addressing adequate staffing for the Commission.

A motion was made by Mr. Prue and seconded by Mr. Lynch to table items 2. B, C, D, and E. The motion was unanimously approved.

Seated for the remainder of the meeting were Commissioners Marseglia, Prue, Hoffman, Tamsky, and Mercer.

**Approval of Minutes:**

Ms. Hoffman motioned to approve the minutes of the 4/17/12 meeting. Mr. Prue seconded. The motion was rescinded.

Mr. Tamsky motioned to accept the minutes of 4/17/12 meeting. Mr. Prue seconded. The motion was approved, 4-0-1.

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

**Administrative Review:**

**PZ0254SUP Sea Research Foundation** - Request to extend Temporary Office Trailer Special Use Permit for an additional 5-year period. Original SUP approval 11/7/02, renewed for 5-year period on 4/3/07 per PZC CAI approval.

Mr. Brynes introduced this request. The Aquarium has submitted a new Special Use Permit application for a new research building which if approved, would replace the trailers. Mr. Mercer suggested a one-year extension for the trailers. Keith Sorensen from the Mystic Aquarium stated that a five year extension is preferred since the new building would take time to be approved and constructed.

A motion was made by Mr. Prue and seconded by Mr. Mercer to grant a five-year extension of PZ0254SUP from today's date. The motion was approved unanimously.

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**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. Brynes recommended tabling this application. A motion was made by Mr. Prue and seconded by Mr. Tamsky to table PZ1134SPA & CAM. The motion was approved unanimously.

**PZ1210SPA Town of Stonington BOE** – Site Plan Application to permit municipal athletic field sponsorship panels on new field hockey and men's and women's soccer field scoreboards. Property located at 176 South Broad St., Pawcatuck. Assessor's Map 25, Block 1, Lot 19. Zone RR-80.

**PZ1211SPA Town of Stonington BOE** – Site Plan Application to permit municipal athletic field sponsorship panels on new scoreboard at Mystic Middle School. Property located at 204 Mistuxet Ave., Mystic. Assessor's Map 151, Block 3, Lot 11. Zone RA-20.

Mr. Brynes stated that the Applicant requests that the PZC table both PZ1210SPA and PZ1211SPA until the next PZC meeting. A motion was made by Mr. Prue and seconded by Mr. Tamsky to table PZ1210SPA and PZ1211SPA until the next PZC meeting. The motion was approved unanimously.

**Public Hearing(s):**

**PZ1209RA Town of Stonington PZC** - Regulation amendment to allow "temporary drive-in events" by Special Use Permit, in suitable locations within the TC-80 Zone. Additions to ZR Section 4.5.3 Tourist Commercial (TC-80) Uses Allowed by Special Permits: Section 4.5.3.24 & 4.5.3.34; and Section 5.2.2 Commercial & Industrial Zones (Use Chart). *Continued from 4/17/12*

Mr. Brynes stated that the Aquarium hoisted a flag 40' high on Sunday, April 29, 2012 between 8AM - 12 noon to show the height of the proposed screen. Both Stonington and State Police viewed this flag and concluded that there were no safety issues apparent as it pertains to passing traffic on Route 95.

Mr. Young stated that this is a seasonal project and will have seasonal vegetation next to the highway. Ms. Hoffman suggested on the night of the event to have a town and state police observe impacts on the highway. Mr. Marseglia thanked the Aquarium for completing this test.

Mr. Marseglia opened the floor for public comment:

Ms. Carlene Donnarummo asked the PZC to be aware of the State removing trees along Route 2 outside Hartford and that she believes I-95 could be next. Ms. Hoffman added that the DOT should be contacted and asked to leave proper coverage and not cut all trees around the Aquarium.

Mr. Prue made a motion, seconded by Mr. Tamsky to close the public hearing for PZ1209RA Town of Stonington PZC. This motion was unanimously approved.

Mr. Prue motioned to approve the regulation amendment as presented with additional language in Section 4.5.3.34, "Projected screen images shall not be visible by forward-facing drivers on interstate

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highways or on-ramps." The motion was seconded by Ms. Hoffman. Mr. Prue amended his motion to include additional language "Temporary Drive-In Events shall only be operation from May to October." Ms. Hoffman rescinded her second. Mr. Prue rescinded his motion.

Mr. Prue motioned to approve the regulation amendment as presented with additional language in Section 4.5.3.34, "Projected screen images shall not be visible by forward-facing drivers on interstate highways or on-ramps." The motion was seconded by Ms. Hoffman. The motion was unanimously approved. Effective date of the regulation amendment is 5/20/12.

**PZ1207SD & GPP Coppins Brook Property, LLC** - Re-subdivision and Groundwater Protection Permit applications for a 2-lot subdivision of a 25.56± acre parcel. Property located at 445 New London Turnpike, Stonington. Assessor's Map 117 Block 1 Lot 1C. Zone RR-80.

Mr. Art Hayward of Hayward & Holbrook, Engineers & Surveyors, who is also the property owner, presented this application with Attorney Theodore Ladwig. Mr. Hayward told the PZC that, by law, he is not permitted to provide the town with AutoCAD files of the property lines. He will, however, provide a pdf, coordinates or other information to the Town. Mr. Mercer asked if the Conservation Commission's comment on open space was resolved. Mr. Brynes stated that the Conservation Easement from the 2006 subdivision has not been recorded yet.

Attorney Ladwig stated that an open space declaration was filed over the open space set-aside that grants fractional ownership to lot owners. Mr. Prue raised concerns about the potential for tax problems with the open space. Mr. Brynes asked who would be granted the conservation easement. Attorney Ladwig stated it will be held by the homeowners association. Mr. Marseglia stated that the town needs confirmation that the homeowners association has been established. Mr. Prue stated that the open space declaration does not include the new lot and the open space should be formally owned by the homeowners association.

Chairman Marseglia opened the floor to the public.

Public in favor:

Allen Strunk requested a ban on hunting be placed in the stipulations. Mr. Strunk stated that he fully supports this application being approved. Mr. Marseglia stated that his request for the hunting ban is not in the PZC's purview.

No one spoke in opposition.

Mr. Brynes noted that this project was approved by Inland Wetlands Commission. There was no rebuttal from the applicant.

Mr. Prue motioned to close the public hearing. Ms. Hoffman seconded. The motion was unanimously approved.

Mr. Prue motioned approve the application with 5 stipulations of approval as recommended by staff and modified by the Commission. The motion was seconded by Mr. Tamsky and unanimously approved.

Stipulations:

1. Prior to recording, geographic coordinates shall be submitted to the Town.

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2. ROW easement shall be recorded prior to the re-subdivision plan.
3. Final plan shall include new lot and address numbers as given from the Town.
4. Conservation easement, proposed as part of PZO619SD&GPP shall be recorded prior the re-subdivision plan.
5. Subdivision regulations regarding open space set aside for PZO619SD&GPP shall be complied with prior to recording of this application.

**PZ1208SUP KAC Realty, LLC** - Special Use Permit application for a full-service restaurant with liquor permit in existing structure located at 2-4 Holmes St., Mystic, and to permit dedicated off-site parking at 17-19 East Main St., Mystic. Assessor's Map 174 Block 2 Lots 3 & 4. Zone DB-5.

Mr. George Kanabis from KAC Realty presented this application. He stated that he is here for three matters: a new 80-seat restaurant at 2-4 Holmes Street, an on-premises liquor permit, and off-site parking. No new construction is proposed. Mr. Kanabis stated that he realizes he is giving up the right to construct the previously approved building at 17-19 E. Main Street. A parking reduction of 7.5% is requested as per Section 7.10.2.3. The economic downturn has prevented construction of 17-19 E. Main St., and leasing of 2-4 Holmes as retail space. The parking agreement between the two properties will be recorded in the land evidence records.

Mr. Mercer expressed concern about the appearance of the foundation at 17-19 E. Main St. Angela Kanabis, of KAC Realty, stated that an attractive 5' fence and landscaping will be placed around it. They would like to preserve the foundation for possible future use. Mr. Tamsky asked about the number of employees at the new restaurant in comparison to Bravo Bravo. Ms. Kanabis stated that there will be 6 employees at one time, similar to Bravo Bravo. Mr. Mercer asked about signage. Mr. Kanabis stated that the recommended stipulations regarding signage are acceptable and that they will comply with the regulations. Mr. Brynes stated that the request for the Parking Reduction was not specifically included in the application or advertisement. The application includes up to 24 outdoor seats which are exempt from the parking requirements. A variance granted in 1983 gives some relief to loading requirements.

There was no public comment on this application.

Mr. Brynes noted that there is a detached sign proposed at the corner of Holmes and E. Main Streets that needs to be analyzed for sightline issues. Comments from other departments were summarized. Mr. Prue asked if anything could be constructed at 17-19 E. Main St. that does not require parking. Mr. Brynes replied that there was not.

Rebuttal: Mr. Kanabis stated that 13 parking spaces were approved at 2-4 Holmes Street in 1999. Mr. Prue stated that there was not a defect in the advertisement because of the Parking Reduction issue.

A motion was made by Mr. Prue and seconded by Mr. Tamsky to close the public hearing. The motion was unanimously approved.

A motion was made by Ms. Hoffman, and seconded by Mr. Prue to approve the application with the 6 stipulations as recommended by staff, replacing stipulation #3 with, "unloading shall be conducted on-site." Ms. Hoffman withdrew the motion.

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A motion was made by Mr. Tamsky and seconded by Mr. Prue to approve the waivers for the application. The motion was unanimously approved.

A motion was made by Ms. Hoffman and seconded by Mr. Prue to approve the application with the 6 stipulations as recommended by staff, replacing stipulation #3 with "unloading shall be conducted on-site." The motion was unanimously approved.

## Stipulations:

1. The Town's maximum seating notice must be posted in a conspicuous location inside the restaurant.
2. PZ1113SUP&CAM for a mixed use building at 17-19 E. Main Street is considered abandoned. Commission approval will be required for any new construction at this location. Any new construction shall account for the parking requirements of 2-4 Holmes Street and 20 E. Main Street.
3. Unloading shall be conducted on-site.
4. Individual wall signs for the new restaurant at 2-4 Holmes Street shall not exceed 18SF without a Special Use Permit application.
5. Per Section 7.12.4, a sight line analysis prepared by a professional engineer shall be submitted and reviewed to the satisfaction of the Town Engineer prior to approval of a Zoning Permit for the detached sign. Should the sign be found to impair motorist visibility, it shall not be permitted.
6. The Commission shall approve the proposed fence around 17-19 E. Main Street's foundation through its Administrative Review process prior to the issuance of any Zoning Permits.

**Discussion of the Director of Planning Position (continued):**

Mr. Prue recommended asking the First Selectman to discuss the issue at the Commission next meeting on 5/15/12 and to not make any decisions until that time. Mr. Tamsky recommended increasing the Zoning Official position back to full time.

**Correspondence:**

Mr. Marseglia discussed a letter from Marsha Standish, Tax Assessor, on open space in the subdivision approval process. Mr. Prue stated that the requirement of properly deeded open space needs to be tightened up by the Town.

Mr. Prue motioned to adjourn. Mr. Tamsky seconded. The motion was unanimously approved. Chairman Marseglia adjourned the meeting at 10:36 PM.



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Frances Hoffman, Secretary