

Special Meeting

The 1470th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, June 5, 2012 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Acting Chairman Ben Tamsky at 7:10 PM. Present for the meeting were Commissioners Frances Hoffman and Bob Mercer; Alternates Gardner Young and Curtis Lynch; and Town Planner / Interim Director of Planning Keith Brynes. Chairman Robert Marseglia and Commissioner John Prue were absent.

Seated for the meeting were Mr. Mercer, Ms. Hoffman, Mr. Tamsky, Mr. Young, and Mr. Lynch.

Commission Initiatives:

At a future meeting, the 2014 POCD Committee members will be chosen from the 9 applicants interviewed. The commissioners discussed a recent newspaper article that quoted PZC Chairman Robert Marseglia. In the article, Mr. Marseglia expressed his views on filling the vacant Director of Planning position. Mr. Tamsky stated, on the record to any Press present at this town meeting, that Chairman Marseglia's views do not reflect everyone's views on the PZC; furthermore, Mr. Tamsky stated that he was offended at the comments made by Mr. Marseglia that he has more experience than the rest of the commission.

Approval of Minutes:

Ms. Hoffman made a motion, seconded by Mr. Young, to approve the minutes of May 15, 2012. Corrections to the minutes were discussed and agreed upon. The motion was approved, 4-0-1.

Roll Call: Mercer - abstain, Hoffman - approve, Tamsky - approve, Young - approve, Lynch - approve

Administrative Review:

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. Request to change previously approved showing date (May 27, 2012) to June 28, 2012, due to unavailability of movie.

A motion was made by Mr. Lynch and seconded by Mr. Mercer to approve the application. The motion was unanimously approved.

ZON12-116 RoxRiv Realty (Christopher Seger) – Zoning Permit application for change of use for frozen yogurt shop (retail to retail restaurant), and associated signage. Property located at 12 Coogan Blvd., Unit 106, Mystic. Assessor's Map 164 Block 4 Lot 1. Zone TC-80.

Mr. Brynes handed out photographs and explained the request, noting that it would not require a special use permit. The proposal is an eight-seat, retail restaurant located in the Mystic Factory Outlet building next door to the Five Guys restaurant.

Applicant Christopher Seger stated that the shop will have self-service. The product will be both produced on site and brought in.

A motion was made by Ms. Hoffman and seconded by Mr. Mercer to approve the application. The motion was unanimously approved.

PZ1131SD & CAM Clara M. Coogan Trust – Subdivision and Coastal Area Management Review applications for a 2-lot subdivision. Property located at 162 Greenmanville Ave., Mystic. **Request a 90-day extension to file final subdivision mylar plans.**

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A letter from Surveyor Richard Strouse requesting an extension for filing the final mylars was read to the Commission.

A motion was made by Mr. Mercer and seconded by Ms. Hoffman to approve the request. The motion was unanimously approved.

ZON 12-117 Town of Stonington Board of Education – Zoning Permit application to permit a 16' x 24' storage shed at Pawcatuck Middle School. Property located at 40 Field Street, Pawcatuck. Assessor's Map 14, Block 7, Lot 1. Zone RA-15.

Mr. Brynes explained that the shed conforms to all zoning requirements, and neither the Fire Marshal or Building Official had any issues with it.

Bill King, Board of Education Operations Manager, clarified that the shed will be located behind the fenced-in dumpster.

Mr. Mercer made a motion to approve the application, seconded by Mr. Young. The motion was unanimously approved.

ZON 12-122 Dr. Carlo Brogna (Sally Johnson) – Zoning Permit application for a change of use for a hair salon (retail to personal services) and associated signage. Property located at 29 West Broad St., Pawcatuck. Assessor's Map 1, Block 4, Lot 7. Zone DB-5.

Mr. Brynes stated that the requested change of use to a hair salon is the former Day Newspaper building, and that there are no parking issues. Pictures presented showed a close-up of signage 18 sq. ft. to replace the previous Day newspaper's sign. Neither the Building Official or the Fire Marshal have any issues.

A motion was made by Ms. Hoffman and seconded by Mr. Lynch to approve the application. The motion was unanimously approved.

Public Hearing(s):

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.

The Call was read by Ms. Hoffman and Mr. Tamsky explained the order of the Public Hearing.

Attorney Timothy Bates introduced the application for affordable housing in Stonington. Attorney Michelle Maresca stated that the goal of this project is to provide an attractive development that will be affordable to Stonington residents. She described the project as 2 three-story buildings with a total of 44 residential units, of which 30% (14 units), will be classified as affordable. The proposal addresses concerns in the Town's Affordable Housing Study.

Ms. Maresca discussed CT General Statute 8-30g governing affordable housing. She stated that the program is overseen by a State agency which maintains a list of affordable housing units by town. The list shows that Stonington has only 4.5% dedicated as affordable housing. The applicant has submitted an affordability plan showing how this project complies with the statute. This project must remain affordable for 40 years through the use of deed restrictions. Affordable units will not be specifically located, and all units will be constructed with uniform quality so any unit may be deemed an affordable unit.

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Ms. Maresca distributed described differences between the current plan and the 2007 plan approved by Stipulated Judgment. The project no longer includes any commercial space. Soil testing found a small area under a floor drain was contaminated. The soil was removed and properly disposed of.

Ed Wenke, P.E., reviewed the site plan. The site is served by municipal water, sewer, and gas. This project received Wetlands Commission approval in January 2012. The goal was to provide as much green space and as little paving as possible, taking care to keep the spruce trees in their current locations. Sightlines have been adequately addressed. There is a community building with a caretaker's dwelling unit above. Both buildings will have full, finished basements used for storage. Parking is adequate with overflow parking in the rear, if needed. Stormwater drainage issues have been addressed.

Leon Milarski of TMG Architects, presented the building elevations, stating the design goal was to reduce the overall size of the buildings. Mr. Brynes asked whether the ADRB's condition of listing final materials on the plan will be met. Mr. Milarski replied that they would.

Chad Frost, of Kent + Frost Landscape Architects, presented the landscaping plans. Spruces along Route 1 are being preserved, moved, or replaced with spruces. The project is several hundred feet from neighboring residences, and a buffer of additional trees on Mr. Anderson's property to the east will be provided. The retaining wall, change in grade, and fencing will also create up to a 12-foot tall difference between the properties.

Architect Brian Schuch presented a 3-D visualization of the project based on the scaled project plans.

Nick Fomenko, certified Traffic Engineer, reviewed the operation and safety of this project. Route 1 will continue to operate at a Level of Service "A." There are no accident trends in the area. Parking demand is 52 spaces per unit so parking is ample with 79 spaces, with consideration for visitor parking. Mr. Young asked if parking is assigned and Mr. Fomenko said it is not. Mr. Lynch asked if there will be a sign to alert drivers going West on South Broad Street / Route 1 approaching this site. Mr. Fomenko answered that the DOT has not indicated this as necessary. Mr. Tamsky clarified that it would be up to the DOT to state that such a sign would be needed.

Julie Savin of NeighborWorks described the State's affordable housing program. Her organization will administer the project upon completion. Tenants must apply, with qualification for a unit being based on income and family size.

Public comment in favor:

Mr. Tom Highland, Chairman of the Stonington Affordable Housing Commission, spoke in favor of this project, stating that it would make Stonington more affordable, it would appeal to people who currently live and work in Stonington, and individuals and families can stay long term whether or not finances change.

Mr. Mercer asked the project managers if the 14 units allotted for affordable housing would bring the Town up to the State-mandated 10% requirement. They responded that it would not.

Public comment in opposition:

Carlene Donnarummo spoke against the project. The development is too dense and some apartments are very small with no windows in bathrooms or kitchens. She feels the project does not comply with regulations or the safety of the community. Ms. Donnarummo suggested a stipulation that trees that do not survive for 1 year must be replaced at the expense of the project owner. A bond should be submitted for landscaping material requiring replacement.

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General comments:

Dora Hill sent in written comments which were read into the record by the Secretary.

Neighbor Gary Anderson stated he had worked with the developer regarding the planting of trees on his property but would prefer the buffer be on the applicant's property. He expressed concern with potential redevelopment of the neighboring Rutman's Furniture site.

Mr. Brynes reported that the fire department required minor plan modifications to improve emergency vehicle accessibility, and written comments in favor of the project have been received from the public. Mr. Lynch asked for clarification of reasons that allow the PZC to deny the application. Mr. Brynes responded that when considering denial of an affordable housing application, the Town must prove there are legitimate health and safety issues. Mr. Brynes noted that zoning regulations cannot be used as a reason to deny.

Rebuttal:

Ms. Maresca stated that a landscaping bond would be possible. The DOT's revised comments reported having no remaining traffic safety concerns. Ms. Savin stated the units will follow the general guidelines set out by the State for minimum square footage and maximum occupancy of apartments. The guidelines followed are 50 square foot per person per bedroom. Mr. Wenke repeated that there is more than adequate regular parking, plus extra parking in the back of the buildings for residents, visitors, events, and emergencies. Plans will show wider access and relocated hydrants to comply with all 9 fire department requests. Mr. Wenke also stated that they will adhere to Building Code regulations as to the size of each apartment unit. Attorney Timothy Bates stated that the project requires the proposed number of units and that the project should not be compromised for the buffer regulation as it does not apply to an affordable housing development.

A motion was made by Ms. Hoffman, and seconded by Mr. Young to close the Public Hearing. The motion was unanimously approved.

A motion was made by Ms. Hoffman, seconded by Mr. Mercer to approve the Groundwater Protection Permit application. The motion was unanimously approved.

A motion was made by Ms. Hoffman, seconded by Mr. Mercer to approve the Special Use Permit waivers. The motion was unanimously approved.

A motion was made by Mr. Lynch, seconded by Mr. Mercer to approve the Special Use Permit application with the 4 stipulations in the staff report plus 2 additional stipulations. Reasons for approval include conformance with CT General Statutes 8-30g and no health and safety issues.

Stipulations of approval:

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. Final plans shall be reviewed to the satisfaction of the Pawcatuck Fire District.
3. Final plans shall remove references to the HOD on Sheet S-05.
4. The two lots shall be formally combined prior to the issuance of any Zoning Permits.
5. Final plans shall include building materials with samples provided to the Architectural Design Review Board.
6. The applicant shall guarantee to replace large transplanted trees that do not survive within 1 year.

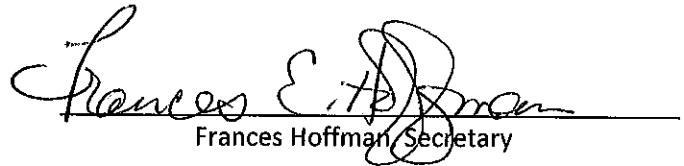
The motion was unanimously approved.

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Correspondence:

Discussion of Commission letter of support to CTDEEP for Coogan Farm Open Space Acquisition Grant. Mr. Tamsky read a draft letter of support written by Mr. Marseglia. Mr. Tamsky and Ms. Hoffman both expressed concern that the amount of neighboring, permanently-protected open space is being exaggerated in the letter. The Commission read, discussed, and edited the letter written by Mr. Marseglia.

Mr. Mercer made a motion to adjourn, seconded by Mr. Young. The motion was unanimously approved. Acting Chairman Tamsky adjourned the meeting at 11:25 PM.



Frances Hoffman, Secretary