

Special Meeting

The 1473rd meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, August 7, 2012 at Pawcatuck Middle School, 40 Field Street, Pawcatuck, Connecticut. The meeting was called to order by Chairman Robert Marseglia at 7:07 PM. Present for the meeting were Commissioners John Prue, and Ben Tamsky; Alternates Gardner Young and Curtis Lynch; and Town Planner / Interim Director of Planning Keith Brynes. Commissioner Bob Mercer was absent. Commissioner Fran Hoffman arrived at 7:15pm.

Seated for the meeting were Mr. Marseglia, Mr. Tamsky, Mr. Prue, and Alternates Curtis Lynch and Gardner Young.

Approval of Minutes:

Review of minutes was tabled to the next PZC meeting.

Administrative Review:

Commission determination regarding permitted uses of property located at 182 Taugwonk Rd., Stonington. Assessor's Map 71 Block 1 Lot 1, Zone LI-130.

Staff reported that this applicant is looking for an interpretation as to whether a new, detached garage and grazing animals are allowed for a residential home in the LI-130 zone. This lot is large enough to accommodate these requests but the uses are not permitted in the zone. A variance application to build an attached garage was denied by the ZBA in 2002 as an expansion of a non-conforming use.

Commissioners agreed that the regulations state which uses are permitted in a zone and that grazing animals and residential uses are not specifically mentioned in the LI-130 regulations. Mr. Tamsky stated that a use that is not mentioned in the regulations is not allowed. Mr. Marseglia felt that the Commission should address the issue through a regulation amendment that would allow these types of uses in the LI-130 zone. Mr. Brynes noted that a regulation amendment to possibly permit expansion of non-conforming residential uses in commercial zones was drafted and had been reviewed by the Commission over a year ago. Mr. Prue felt such a regulation amendment would be inappropriate and suggested the updated POCD address Taugwonk Road issues. Mr. Marseglia felt that allowing agricultural uses would benefit some of these properties and asked for discussion of this issue to be on the next agenda as a "Commission Initiative."

A motion was made by Mr. Tamsky and seconded by Mr. Prue, to deny the request for interpretation of grazing animals as permitted and to deny an interpretation to allow the garage on the basis that it is an expansion of a non-conforming use in the LI-130 zone. The motion to deny was approved, 4-0-1.

Roll call: Tamsky – approve, Prue – approve, Lynch – approve, Marseglia – approve, Young – abstain

Commissioner Fran Hoffman arrived and was seated with Mr. Marseglia, Mr. Tamsky, Mr. Prue, and Mr. Lynch.

PZ1207SD & GPP Copps 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. Request 90-day extension for filing of final subdivision plans.

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

12-153ZON 99 Mechanic, Inc. - Zoning Permit application for installation of a 9-foot roll up door, exterior concrete pad, scissor dock lift, & portable canopy to accommodate deliver, storage & distribution for the Sun

Special Meeting

Publishing Co. Property located at 99 Mechanic St., Pawcatuck. Map 4 Block 17 Lots 4, 5, 6, 7, & 8. Zone M-1. Modification to approved request for loading dock.

Staff reported that the applicant would like to modify their previous approval due to newly found structural issues with the location of the loading area. Mr. Tamsky asked if there is ample parking, and Staff responded yes, more than what is required and this project would not require any additional spaces. Ms. Hoffman asked if the Town Engineer had looked at the request. Staff said, no, but the Fire Marshal reviewed it and gave his approval. Staff and Commissioners reviewed pictures and the plans.

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

Old Business:

PZ1218BR Toll Brothers/Old Mystic Estates – Application for reduction of Performance & Maintenance Bond posted to satisfy requirements of proposed construction activity related to PZ0360SD SUP & GPP Meehan Group, LLC. Bond instrument is Letter of Credit #30002932 for \$2,935,000.00 for a 48-lot subdivision located off Pequot Trail, Mystic. Applicant requests reduction to \$1,672,297.00.

Staff reported that the request was sent to the Town Engineer who inspected and found that almost half of the subdivision work has been completed and he has no issues with approving applicant's request to reduce bond to \$1,700,000.00. Mr. Marseglia wondered how applicant arrived at this number. Ted Merchant of Toll Brothers said a reduction to \$1.7 million, as suggested by the Town Engineer would be acceptable.

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

Public Hearing(s):

PZ1205SUP & CAM Summit Street Development, LLC - Special Use Permit & Coastal Area Management Review applications for construction of a 1-story, 4,944 square foot dental office building, parking, associated landscaping, utilities, & storm water management. Property located at the corner of Harry Austin Dr. & Masons Island Rd., Mystic. Assessor's Map 160 Block 4 Lot 4. Zone M-1. Continued from 6/19/12.

Attorney Ted Harris spoke on behalf of the applicant, requesting that the Commission continue the public hearing as Project Engineer, Pat Lafayette, was rushed to the hospital that afternoon with a medical emergency. Atty. Harris explained that Mr. Lafayette input is critical to the project.

Staff suggested a special meeting be held to hear this application since the public hearing must close by August 23, 2012. The PZC suggested Wednesday, August 15, 2012, for a special meeting, with the location to be determined. Mr. Marseglia told the Attorney Harris that they should come prepared to present this application.

A motion was made by Mr. Prue and seconded by Mr. Lynch to continue the hearing to a special meeting on August 15, 2012, at a location to be determined. The motion was unanimously approved.

PZ1213SUP Sea Research Foundation, Inc. – Special Use Permit application for construction of a two-story, 7060 SF office/laboratory building with associated site improvements including relocation of walk-in freezer, relocation & expansion of propane tanks, parking, and landscaping. Property located at 55 Coogan Blvd., Mystic. Assessor's Map 164 Block 3 Lot 2, Zone TC-80. Continued from 7/17/12.

Special Meeting

Staff stated that all outstanding issues from the previous hearing had been completed. Paul Biscuti, P.E., presented this application, noting that the three items requested at the 7/17/12 meeting and have been provided, and all of the Planner's comments were resolved. The Commission discussed limiting the number of stipulations added to approvals to address completeness. Mr. Tamsky stated that the PZC has a certain amount of time to make decisions and does not have to make decisions on the same night an application is presented.

Public Comments: None

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

A motion was made by Mr. Prue and seconded by Mr. Tamsky to approve the Special Use Permit waivers requested. The motion was unanimously approved.

A motion was made by Mr. Prue, and seconded by Mr. Tamsky to approve the Special Use Permit application with the one stipulation included in the Staff Report. The motion was unanimously approved.

Stipulation:

1. Final plans shall be recorded prior to the issuance of any Zoning Permits.

PZ1215ZC Mystic Seaport Museum, Inc. - Zone Change application for revisions to the Marine Heritage District Master Plan for changes to current MHD and acquired properties/structures. Properties located off Greenmanville Ave., Rossie St., & Bruggeman Pl., Mystic. Zone MHD.

Staff reported that the applicant requested the hearing be opened and continued to the meeting of August 21, 2012, at Mystic Middle School.

A motion was made by Mr. Prue and seconded by Ms. Hoffman to continue the hearing to August 21, 2012. The motion was unanimously approved.

A motion was made by Mr. Tamsky and seconded by Mr. Prue to adjourn. The motion was unanimously approved.

Chairman Marseglia adjourned the meeting at 8:35 PM.



Frances Hoffman, Secretary