

Regular Meeting

The 1475th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, September 18, 2012 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Robert Marseglia at 7:03 PM. Present for the meeting were Commissioners John Prue, Ben Tamsky, Frances Hoffman, and Bob Mercer; Alternate Gardner Young, and Town Planner Keith A. Byrnes. Absent was Alternate Curtis Lynch.

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

Commission Initiatives:

Chairman Marseglia suggested tabling this item until after the evening's Public Hearing. A motion was made by Mr. Prue and seconded by Mr. Tamsky to table agenda item #2 until after the Public Hearing. The motion was unanimously approved, 5-0.

Approval of Minutes:

A motion was made by Ms. Hoffman and seconded by Mr. Tamsky to approve the meeting minutes of August 7, 2012. The motion was approved 4-0-1.

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

A motion was made by Ms. Hoffman and seconded by Mr. Tamsky to approve the meeting minutes of August 21, 2012. The motion was approved 4-0-1

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

Administrative Review:

CGS 8-24 Review for the proposed athletic fields and road work proposal

Staff presented the two projects the Town is seeking to finance through bonding. The Commission discussed whether these activities are consistent with the 2004 POCD. A motion was made by Ms. Hoffman and seconded by Mr. Prue that the proposed field renovations and road work are consistent with the POCD. The motion was unanimously approved, 5-0.

PZ1112SD & SUP Richard C. Panciera Remainder Trust II – Request 90-day extension for filing of final plans and Conservation Deed for approved eight-lot Resubdivision and Special Use Permit applications for the development of 68 attached-housing units and 7 single-family residences. Property located at Mary Hall & Greenhaven Roads, Pawcatuck, CT. Assessor's Map 7, Block 1, Lot 44. Zones RA-20, RM-20, & RR-80.

Staff presented the applicant's request for a second 90-day extension to file the final plans and conservation deed. Attorney Tom Ligouri stated that the applicant is currently in discussions with the Stonington Land Trust regarding deeding of the open space. A motion was made by Mr. Prue and seconded by Mr. Tamsky to grant the requested 90-day extension. The motion was unanimously approved.

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Commission interpretation regarding locating proposed statue within building setbacks.

Property located at 27-29 Cottrell St., Mystic. Assessor's Map 182, Block 2, Lot 1. Zones MC-80 and RH-10.

Staff explained the request to locate a life-sized statue of the late, local Olympian, John Kelley on the Mystic River Park property on Cottrell Street. The Commission is being asked to make a determination as to whether the statue can be placed in the building setbacks or if it needs to meet the zoning requirements. The Commission discussed whether statues fall under the exemptions under the Regulations' definitions of "structure" and "yard, required." Spyros Barres, representing the John Kelley Memorial Fund, described the proposal, stating that there are no visual obstructions to traffic.

A motion was made by Mr. Mercer, and seconded by Ms. Hoffman that the Commission deem that the statue is not a structure and does not need to conform to setback requirements. Staff stated that, should the Commission approve this interpretation, a Zoning Permit would be submitted for their review of the statue placement. Mr. Tamsky stated that he is opposed because the proposal would not meet the regulations. The motion passed, 4-1.

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

ZON12-221 Steven Vacca (James Lathrop) - Zoning Permit application for a change of use for Phoenix Oil Heating, Refrigeration & Air Conditioning (retail to office), interior and minor exterior improvements, and associated signage. Property located at 2-4 Mechanic St., Pawcatuck. Assessor's Map 3, Block 27, Lot 7. Zone DB-5.

The application was presented by staff. James Lathrop of Phoenix Oil stated that they will not park oil trucks or store oil at this location.

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

Public Hearing:

PZ1219SUP Lorraine Misiorek - Special Use Permit application to convert residence from 2-family to 3-family. Property located at 23 Washington St., Pawcatuck. Assessor's Map 3 Block 23 Lot 7. Zone RH-10.

Applicant Lorraine Misiorek, presented her application and the history of the property. She was recently granted a variance to reduce the district density requirement for a 3rd dwelling unit. To bring the structure up to Fire Code, she has to make significant changes whether she keeps it as a two-family or converts it to a three-family. Ms. Misiorek has discussed it extensively with the Pawcatuck Fire Marshal. In discussion of whether the property could be considered legally non-conforming and entitled to 3 units, it was noted that, in 1993, the ZBA decided that it was not legally a 3-family.

Public Comment:

The Commission read a letter submitted by Dora Hill in opposition to the application.

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Staff stated that one of the key issues is whether the regulations allow a 2-family to add an accessory apartment.

Rebuttal:

Ms. Misiorek stated that there is adequate space for parking, the driveway is shared with a neighbor, and there is a driveway apron on the other side of the house. Ms. Misiorek discussed information from previous tax cards and the original 1900 house building plans.

A motion was made by Mr. Tamsky, 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. Mercer to approve the waivers requested for the application. The motion was unanimously approved.

A motion was made by Mr. Prue, and seconded by Mr. Mercer to approve the Special Use Permit application. The motion was unanimously approved.

Commission Initiatives:

Discussion of 2014 POCD:

Mr. Prue updated the Commission on the activities of the 2014 POCD Subcommittee. A Public Input Session is planned for 10/25/12.

Discussion of Modifications to Section 6.6.7 – Excavation and Filling:

Staff presented draft revisions to these regulations stating that more input is needed. This draft prohibits excavation operations in residential zones. Mr. Prue felt that the regulation should better address drainage impacts and reference the Town's Technical Standards Document. Some new single family houses result in drainage impacts but there is no Town review of storm water impacts. Staff suggested there could be a certain threshold beyond which any application could require a Special Use Permit, with Mr. Prue suggesting 250 cubic yards be the cap for a residential zone. Chairman Marseglia asked if it is the consensus of the Commission to prohibit gravel banks and quarries. The Commissioners all expressed the need to prohibit gravel banks and quarries. Staff will prepare a revision that addresses the Commission's concerns.

Discussion of Technical Standards Document Adoption:

Staff stated that he continues to work on this and will run it by the Commission before a future meeting.

Discussion of Zoning Board of Appeals A-2 survey waiver procedure:

Staff presented a draft regulation amendment that gives the Zoning Board of Appeals the authority to waive Site Plan requirements for variance applications. The Town Attorney was asked for an opinion regarding whether the ZBA can legally waive variance requirements. His response was that it is legal and would require a supermajority vote. Staff has forwarded the draft amendment to the ZBA for their input, however, they will not be meeting again until mid-November.

Mr. Prue and Mr. Tamsky suggested striking the requirement in Section 8.3.5.5 that a variance application must have a Type 2 Site Plan. Mr. Prue stated that the Zoning Regulations should

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not list what specifics are required for a variance and that the ZBA should develop their own requirements outside of the Zoning Regulations. Mr. Marseglia stated that the regulations should guide applicants requiring a variance. Mr. Prue will work on revising Section 8.10 and share it with the ZBA.

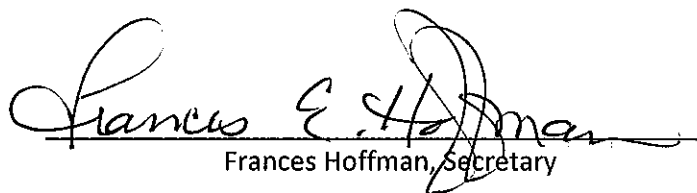
Discussion of Dwelling Unit Policy:

Staff reported that the Town had initiated a policy on what factors are used to determine whether part of a structure is considered a "dwelling unit." The policy does not change the regulations, but provides guidance for property owners and staff. In the past, removing a stove was enough to disqualify an apartment as a dwelling unit. Mr. Prue stated the Commission should be writing regulations and policies, clarifying that he is in favor of the Commission endorsing the policy, but Staff should not write such policies before consulting with the Commission. Mr. Tamsky agreed. A motion was made by Mr. Mercer, and seconded by Mr. Prue to endorse the Dwelling Unit Policy which was effective on 8/8/12. The motion was unanimously approved. The Commissioners requested that a PDF copy of other Enforcement Policies be sent to them for their review.

Discussion of Certificates of Zoning Compliance for Commission Approvals:

Mr. Prue mentioned that a special use permit was granted for the Lighthouse Bakery and the business opened without all the site plan elements being met. Staff reported that the owner and the Town entered into a Consent and Abatement Agreement in which a temporary Certificate of Zoning Compliance was issued with a deadline to complete all the requirements or face a substantial fine. Mr. Prue stated he would like to see applicants come back to the Commission when Commission approval requirements or stipulations are not met. Ms. Hoffman felt staff should be able to handle smaller matters such as minor landscaping but the Commission should decide on more significant items. Consensus of the Commission was to have staff develop a written policy for the issuance of Temporary Certificates of Zoning Compliance. The policy should put routine items such as landscaping and final paving in the hands of staff but other items under the purview of the Commission.

A motion was made by Mr. Prue, and seconded by Mr. Tamsky to adjourn. The motion was unanimously approved. Chairman Marseglia adjourned the meeting at 11:08 PM.


Frances Hoffman, Secretary