

Special Meeting

The 1476th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, October 2, 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; Alternates Gardner Young and Curtis Lynch, and Town Planner Keith A. Brynes.

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

Commission Initiatives:

Discussion of 2014 Plan of Conservation and Development:

Mr. Prue informed the Commissioners that a public input meeting is scheduled for Monday, 10/29/12, at 7:00pm at Stonington High School Commons.

Discussion of modifications to Section 6.6.7 – Excavations and Filling and Technical Standards Document:

Staff reported that these are a work in progress and more time is needed.

Discussion of Zoning Board of Appeals A-2 survey waiver procedure: This issue requires input from the Zoning Board of Appeals. The ZBA's next scheduled meeting is November 13, 2012.

Discussion of Zoning Enforcement Policies:

Staff discussed the Town's 2007 Zoning Enforcement Standards. Commission members felt that policies that affect zoning enforcement should be approved by the Commission. Staff will review whether the policies in this document were approved by the Commission.

Chairman Marseglia suggested tabling Commission Initiative items #2F & 2G until after the Public Hearing. The Commissioners were in agreement with the recommendation.

Approval of Minutes:

A motion was made by Ms. Hoffman and seconded by Mr. Tamsky to approve the September 18, 2012 meeting minutes. The motion was unanimously approved, 5-0.

Old Business:

PZ1222SPA Samuel R. Piotrkowski (J. Arruda) - Site Plan application to construct an 884 SF 2nd story addition, create additional parking, and provide signage for a change of use from residential to office. Property located at 41 Williams Ave., Mystic, CT. Assessor's Map 161 Block 14 Lot 4. Zone LS-5.

Mr. Brynes recommended tabling this application to allow additional time for revisions and architectural design review.

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

Public Hearing:

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PZ1221RA Mystic Spine and Sport, LLC - Regulation amendment to allow Health Clubs in suitable locations within the M-1 Zone. Additions to ZR Section 4.7.1 Manufacturing (M-1) Permitted Uses, and Section 5.2.2 Commercial & Industrial Zones (Use Chart).

Alfred Furtado, principal of Mystic Spine and Sport, LLC presented this application to allow health clubs as a permitted use in the M-1 zone. The applicant is a resident of Pawcatuck and interested in opening a health club in approximately 5,000 square feet of the Harris Mill complex at 100 Mechanic St. The space has been vacant for almost 3 years. Mr. Furtado stated his intention was to further limit the text to permit health clubs of less than 10,000 sq. ft. in existing buildings. Due to time constraints he was not able to amend the application.

Mr. Prue expressed that he does not see how a health club is compatible with the industrial uses of that building. Mr. Mercer discussed the vacant nature of this space and that there are no manufacturers wanting that space, feeling that the request is a small change for the M-1 zone. Mr. Prue expressed his concern that manufacturing space would be committed to other types of business. Mr. Young stated that we would be adding to the existing language to permit another use and not precluding any other uses.

Public Comment in favor:

Blunt White, Chairman of the Stonington Economic Development Commission, stated that 100 Mechanic Street has not seen any new leases in 5 years. The owner has no cash flow to keep the building up, and pay insurance and taxes. These are all reasons for broadening the M-1 Zone Regulation, and approving the amendment does not remove manufacturing uses. The PZC should consider how other towns are using manufacturing buildings and mills to create income for owners in the interim. The EDC voted to support this application unanimously.

Carlene Donnarummo stated that she partially supports this application but it is too open-ended and lacks specifics. She supports adding health clubs to the M-1 zone if they are limited to a maximum of 10,000 sq. ft. in size.

Public Comment against: None.

Public Comments – General:

Chairman Marseglia read a letter sent by Dora Hill. Ms. Hill recommended allowing health clubs by Special Use Permit only.

Ed Hart stated that he supports the application but he is concerned that there will not be enough manufacturing space if needed.

Staff Comments:

Mr. Brynes summarized the staff report, noting that the Commission could modify the application to require a Special Use Permit for all health clubs in the M-1 zone.

Applicant Rebuttal:

Mr. Furtado stated there are no safety issues, there is ample parking at 100 Mechanic St., and this amendment would not limit manufacturing uses at the site.

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

A motion was made by Mr. Tamsky and seconded by Mr. Prue to approve the Regulation Amendment with the revision that "health clubs" be added to Section 4.7.3.20 (Uses Allowed by Special Permit), rather than to Section 4.7.1.10 (Permitted Uses).

The Commission discussed the appropriate permitting procedure for health clubs and whether there should be a maximum size allowed.

Ms. Hoffman motioned to amend the previous motion to read, "health clubs up to 10,000 s.f. in existing buildings" to be allowed by Special Permit. The motion was seconded by Mr. Prue. The motion to amend the original motion of approval was unanimously approved.

The amended motion to approve the Regulation Amendment was approved, 4-1.

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

The effective date of this application will be 10/22/12.

Commission Initiatives: (continued)

Discussion of Certificates of Zoning Compliance for Commission approvals:

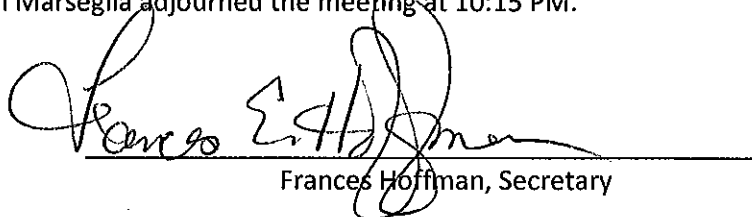
Mr. Brynes presented a draft Certificate of Zoning Compliance Policy explaining when staff or the Commission should allow temporary Certificates of Zoning Compliance and/or Consent and Abatement Orders for projects with outstanding issues. Ms. Hoffman suggested deleting the words in the second and third sentences in the second paragraph.

A motion was made by Mr. Prue and seconded by Mr. Tamsky to adopt and approve the Certificate of Zoning Regulations Policy and to delete the second and third sentences in the second paragraph. The motion was unanimously approved.

Discussion of Agricultural Uses in the LI-130 Zone:

Mr. Brynes presented a draft regulation amendment that would allow agricultural uses in the LI-130 zone. Mr. Tamsky suggested that the regulation amendment should focus on allowing existing residential uses in the LI-130 to expand. Mr. Marseglia recommended adding discussion of such a regulation amendment to the next meeting's agenda. Staff will distribute a draft regulation amendment written over a year ago. Mr. Prue feels that this is a low priority issue in the town. Staff suggested that this may need the Town Attorney's review. Mr. Prue asked that in the future, PZC should approve items to discuss under the Commission Initiative Agenda items.

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 10:15 PM.



Frances Hoffman, Secretary