

Regular Meeting

The 1477th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, October 16, 2012, at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Robert Marseglia at 7:06 PM. Present for the meeting were Commissioners John Prue, Ben Tamsky, and Frances Hoffman; Alternates Gardner Young and Curtis Lynch, and Town Planner Keith A. Brynes. Commissioner Bob Mercer was absent.

Seated for the meeting were Mr. Young, 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. Glen Chalder of Planimetrics will moderate the meeting with the goal being to listen to and get input from the public. Ms. Hoffman asked if it would be helpful to provide the POCD committee with a list of the PZC's concerns. Mr. Prue replied that all input was welcomed. Ms. Hoffman asked Mr. Brynes to maintain a draft list of the topics submitted by Commissioners.

A motion was made by Mr. Prue and seconded by Mr. Tamsky to table Commission Initiative items 2B thru 2F. The motion was unanimously approved, 5-0.

Approval of Minutes:

A motion was made by Ms. Hoffman and seconded by Mr. Tamsky to approve with one correction, the minutes of the October 2, 2012, PZC meeting. The motion was unanimously approved.

Administrative Review:**CGS 8-24 Review – Acceptance of Lindsey Lane as an approved Town roadway.**

Mr. Brynes summarized the roadway acceptance, noting that the developer will also be requesting that the Commission eliminate one of the stipulations from the 2004 subdivision application approval. Ms. Hoffman recommended discussing both issues at the next meeting. A motion was made by Ms. Hoffman and seconded by Mr. Prue to table the request. Chairman Marseglia asked to have the applicant explain what the financial benefit to the Town would be if the stipulation is changed. The motion was unanimously approved.

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 item until the next meeting.

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

Public Hearing:

PZ1220SUP & CAM Summit Street Development, LLC - Special Use Permit & Coastal Area Management Review applications for construction of a 2-story, 9,290 square foot dental office building, parking,

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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.

The applicant's representative, Attorney Theodore Harris, explained that the application was resubmitted after the engineer for the project was hospitalized, resulting in the withdrawal of the previous application.

Attorney Harris clarified that the first floor is approximately 4,900 s.f., and the second floor is only for storage, noting that Commission approval would be required for any other use. A 2003 interpretation by the Commission determined that the zoning district boundary was the center of Harry Austin Drive rather than through the middle of the parcel. Attorney Harris stated that this parcel is an undersized non-conforming lot. He stated that Section 8.2 of the State Statutes gives this applicant the right to use the lot as long as the development conforms to the regulations. Mr. Prue stated that a variance may be necessary and the Town Attorney should be consulted. The buffer requirements of the M-1 district do not apply since the property does not directly abut a residential use or zone. Attorney Harris stated that the Mystic Color Lab property, zoned IHRD, is not listed as a residential zone in the Zoning Regulations. Plans include leaving the YMCA sign in place.

Pat Lafayette, P.E., of Development Solutions, presented the site plan and stormwater management system. An easement from the Board of Selectmen will be required for the sewer connection and the project includes a hydrant on the northern side of Masons Island Road.

John Patrick Walsh, Professional Architect, presented the building design. The building will include 2 stories, totaling 9,209 s.f., with no full basement. Mr. Tamsky asked why such a large 2nd floor is necessary. Mr. Walsh answered the owner did not want a flat roof structure. Mr. Prue asked if there will be a finished 2nd floor. Mr. Walsh said, no, it is an open attic for mechanical equipment with no heating, just storage. Commercial use of the 2nd floor would require further interior modifications. This project was brought before the Architectural Design Review Board who liked the architectural details and how the design fit into the neighborhood. The ADRB asked to have the roof pitch lowered and the applicant complied.

Mr. Lafayette stated that the front of the building faces north due to existing grades and setback requirements. People driving onto Masons Island will see best view, the front of the building.

Chairman Marseglia stated that the written purpose of the IHRD zone implies that it is intended for residential use and therefore warrants a buffer from commercial development. Attorney Harris stated that the IHRD allows several commercial uses. Mr. Marseglia suggested staff get a legal opinion from the Town Attorney.

Applicant Pierce Hall of Summit Street, LLC, presented the landscaping plan. He noted that the plan was also reviewed and approved by the ADRB. Ms. Hoffman asked how the renderings would look from the street. Mr. Hall explained the parking lot is lower than the road and the trees will probably block the building. Mr. Tamsky requested an explanation of the site's elevation compared to the road. Mr. Lafayette stated the site is 5-8 feet lower than Masons Island Road.

Scott Hesketh, P.E., of F. A. Hesketh & Associates, Inc., presented the Traffic Study dated 10/1/12, stating that there would be minimal effect since the proposed office would close at 5:00 p.m. His

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determination was that the proposed development would not have a significant impact on the traffic operations on area roadways.

Dr. Dennis Flanagan, D.D.S., the planned tenant of the building, detailed the staffing for his office: 3 part-time dentists, 3-4 days per week, and 2 full-time hygienists, utilizing 10 exam rooms 4 days per week. Hours of operation will be Monday-Friday, 9:00 am - 5:00 pm, and on Saturdays 9:00 am - 12:00 noon. Mr. Tamsky asked what the requirement was for the 4,100 sq. ft. 2nd floor. Dr. Flanagan stated that he did not require the 2nd floor for storage or equipment. Mr. Prue asked if implant dentistry calls for longer chair time. Dr. Flanagan replied, yes.

Mr. Walsh added that the 2nd floor was added for a more residential look. If the building was only one floor, cars approaching up Harry Austin Drive would be looking at the roof. Commissioners asked Mr. Walsh to prepare a rendering from the street which includes landscaping.

Public Comment in favor: None

Public Comments Against:

Andrew Bellinghieri expressed concerns that traffic counts were completed during the month of November when there is less traffic in the neighborhood. David Bishop stated that buffer requirements are not met and that the lot should still be considered partially in the RC-120 Zone.

Mary Rioux felt the proposed building is 3-story, has concerns with increased traffic and lighting, feels the lot is too small or the building is too large for the property, and says the buffer requirements are not met. She stated that the upper stories may not always be used as storage space and the stormwater system may not work as proposed.

Attorney Harry Heller, representing Mystic Associates, LLC, stated that the application is not approvable by the PZC, that a variance is needed first for development of the undersized lot, and buffer requirements are not met. Atty. Heller urged the commission not to grant a waiver for the 3-D model.

Mr. Chris Buckley felt the project would disrupt the community. He feels no one has considered the pedestrian traffic. Mr. Marseglia asked if the Police Commission reviewed this application. Staff responded that they did not and if this hearing is continued, he will refer it to them for their review.

Mr. Cris Kerfus was concerned with maintenance of the stormwater system water runoff, felt the owner is not committed to this property, the traffic study does not provide a good representation of the traffic in the summer months, and that the 2nd floor will be sheet rocked and have utilities installed.

Ms. Ann den Tex asked for clarification on change of zone lines and when that occurred. Staff explained that in 2003 the PZC determined that a map error had been made and the zoning district line was down the center of Harry Austin Drive, making the subject property entirely M-1. Mr. Tamsky asked if there was a public hearing, and Staff replied there was not.

Ms. Mary Blanchet stated that the property's original owners intended it to be used as community space, and asked about by-laws that address conflict of interest, stating that if there are any relationships, the commissioner involved should recuse himself or herself. She stated her belief that an

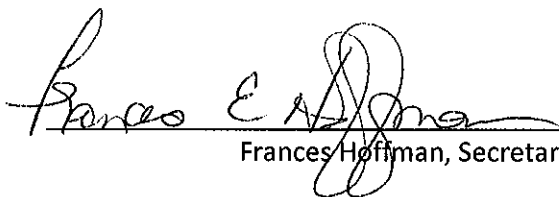
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Inland Wetlands Commission member has a relationship with the applicant. Staff clarified that if there is a conflict of interest, it is up to the individual to recuse themselves. If not, it could be grounds for an appeal after a decision is made. Chairman Marseglia advised Ms. Blanchet to contact the First Selectman regarding a conflict of interest concern. Chairman Marseglia stated that all commissioners take an oath and are educated about reasons to recuse one's self. Ms. Blanchet expressed concerns with the parking, traffic and buffers.

Mr. Asa Pollard expressed concerns with the use of the 2nd floor and traffic at the intersection of Route 1 and Masons Island Road. Chairman Marseglia asked Staff to look into whether there has been a reevaluation of improvements to the traffic light. Chairman Marseglia requested more information as to whether there is adequate height to add a 3rd floor in the future.

A motion was made by Mr. Prue and seconded by Mr. Tamsky to continue the hearing to 7:30PM, Wednesday, 11/7/12, at this location.

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 10:50 PM.



Frances Hoffman, Secretary