

Special Meeting

The 1478th meeting of the Town of Stonington's Planning and Zoning Commission was held on Wednesday, November 7, 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, 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, Mr. Marseglia, Mr. Tamsky, and Mr. Prue.

Commission Initiatives:

Discussion of 2014 Plan of Conservation and Development:

Mr. Prue stated the POCD public input meeting was cancelled last week due to Hurricane Sandy and will be rescheduled to December 3rd. Mr. Marseglia requested the Subcommittee investigate the idea of significant tree trimming along the roads to protect from massive power outages.

Discussion of Zoning Enforcement Policies:

The Commission asked staff to request that First Selectman Haberek discuss his new role as Acting Planning Director at a future meeting.

Discussion of modifications to Zoning Regulations to accommodate CT Coastal Jurisdiction Line: Staff presented a draft Regulation Amendment. Consensus of the Commission was that a Regulation Amendment application could be submitted for the next meeting. Mr. Tamsky asked staff to look into whether 10 years was the most appropriate timeframe for the Substantial Improvements definition.

Approval of Minutes:

A motion was made by Ms. Hoffman and seconded by Mr. Tamsky to approve with corrections, the minutes of the October 14, 2012 meeting. The motion was approved, 4-0-1.

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

Administrative Review:

CGS 8-24 Review – Acceptance of Lindsey Lane as an approved Town roadway. Applicant is also requesting removal of Stipulation #3 from the 1/6/04 approval of PZ0341 New England Design Builders:

Mr. Brynes summarized the issues. The developer has not complied with the stipulation to form a Homeowners Association to maintain the subdivision's stormwater system. Now that the lots have been sold he is unable to get the owners to enter into an agreement. The Town Engineer commented that the Town could accept responsibility for the maintenance of the system if the owner pays a fee of \$3,500 to reimburse the Town for expenses. Ken Boyer of New England Design Builders addressed the Commission and explained that he has been paying to maintain the road and stormwater system for years. Mr. Marseglia requested that staff look into the legal and financial implications for Mr. Boyer's request.

CGS 8-24 Review – Acceptance of Jacobs Way as an approved Town roadway:

A motion was made by Mr. Prue, and seconded by Mr. Tamsky to find the acceptance of Jacobs

Special Meeting

Way consistent with the 2004 Plan of Conservation and Development. The motion was approved unanimously.

PZ1207SD & GPP Cops 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 a second 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. 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.

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

PZ1223BR Pequot Development Associates - Application for release/reduction of Public Improvement Bond posted to satisfy requirements of proposed construction activity related to PZ0803SD & GPP. Original bond instrument was a Letter of Credit for \$981,568.13. Applicant received a reduction to \$300,000.00 on 8/17/10, a reduction to \$150,000.00 on 2/21/12, and requests a full release to \$0. Property located at 56 Jeffrey Rd., Pawcatuck. Assessor's Map 17, Block 1, Lot 6, Zone RM-20.

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

PZ1224BR W. Ronald O'Keefe - Application for release/reduction of Road Maintenance Bond posted to satisfy construction activity related to PZ9709SD Ronald O'Keefe (Stonington Green). Original bond for \$80,000.00 reduced to \$5,000.00 on 3/18/2008. Property located on River Crest Dr., Pawcatuck. Assessor's Map 12, Block 14, Lot 46. Zone RA-20.

Mr. Marseglia stated that there is an issue with the road sinking especially around the manholes, and is interested to find out if this road meets the necessary levels of safety. A motion was made by Mr. Tamsky, and seconded by Ms. Hoffman to table the application. The motion was approved, 4-0-1. Mr. Prue abstained stating he will recuse himself from discussion on this item. Roll Call: Marseglia – approve, Prue – abstain, Hoffman – approve, Tamsky – approve, Mercer - approve

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, associated landscaping, utilities, & storm water management. Property

Special Meeting

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 10/16/12).

Chairman Marseglia explained the order of this continued public hearing. He suggested that Town Attorney Thomas Londregan, should speak first so that the public could address his comments.

Mr. Mercer was unseated and relocated to the audience. Seated for this hearing were Mr. Prue, Mr. Tamsky, Mr. Marseglia, Ms. Hoffman, and Mr. Young.

Mr. Londregan summarized his opinions of the three questions asked by the Commission. He stated that a property does not have to provide a buffer across a public street, it is the applicant's burden to prove that a street is considered public, and it is the Commission's interpretation as to whether the Industrial Heritage Re-use District should be considered a "residential zone." He summarized that a legally undersized vacant commercial lot is protected under state statutes and local regulations, and can be developed without acquiring a variance if it complies with all bulk requirements. Attorney Harry Heller, representing Mystic Associates, LLC, stated that the definition of "Bulk" in the Town's Zoning Regulations does not include lot size. Mr. Londregan stated that he can return to assist the Commission with its deliberations at a later date and will continue to work with staff on legal issues.

Public Comments Against:

Tiffany Wyman Stanton was concerned about the Commission's 2003 decision related to the Zoning Map, noting that the neighbors were not aware of the change. She feels the project will negatively impact the environment and the neighborhood.

The Commission requested that staff discuss with the Town Attorney whether the 2003 decision was done properly by the Commission.

Jim Stanton discussed the history of the land and stated that part of the lot should be zoned RC-120. He felt that a residential use would be welcome on the property and the development will negatively affect the environmental resources.

James Buckley submitted copies of the 1987 zoning map that showed part of the subject property zoned RC-120 and stated the change to an M-1 zone was illegal. A right-of-way plan for Masons Island Road showed the road over several private properties.

Mr. Prue left the meeting at 9:30. Mr. Marseglia seated Mr. Lynch for the remainder of the meeting.

Attorney Mark Kepple, representing the Mystic YMCA, stated that his client has concerns over existing signage that could be allayed by the Commission, as the YMCA's detached sign is located off-site on the subject property. They are requesting that any approval of the application recognizes that the sign enjoys legal non-conforming status. Mr. Lynch asked Attorney Kepple to draft a possible stipulation of approval that would satisfy his clients. Mr. Kepple stated he will continue to discuss this issue with the applicant.

Special Meeting

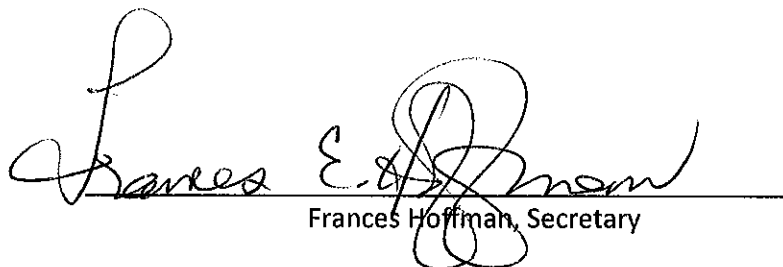
Public Comment - General Comments:

Carlene Donnarummo read Zoning Regulation (ZR) Section 2.6 into the record, felt that the waiver for a 3-D model should not be granted, the applicant should prove that tidal wetlands will not be impacted, and a more detailed traffic study should be submitted.

Rick Newton stated the application does not meet the standards for approving Special Use Permits under ZR Section 6.4, and CT DEEP's Natural Diversity Database shows a protected species in this area which should be identified and protected. He stated that the applicant has not paid taxes on the property for the past two years and the Town has placed a lien on it, and both the Plan of Conservation and Development and CT Coastal Manual recommend protecting scenic coastal views.

A motion was made by Mr. Tamsky and seconded by Mr. Young to continue the public hearing to November 20, 2012. The motion was unanimously approved. The hearing will continue with Staff Comments.

A motion was made by Mr. Tamsky and seconded by Mr. Young to adjourn. The motion was unanimously approved. Chairman Marseglia adjourned the meeting at 10:33 PM.



Frances Hoffman, Secretary