

Regular Meeting

The 1479th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, November 20, 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, 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 Ms. Hoffman, Chairman Marseglia, Mr. Tamsky, Mr. Prue, and Mr. Lynch.

Commission Initiatives:

There was a consensus among the Commissioners to move these discussions to the end of the agenda.

Approval of Minutes:

A motion was made by Ms. Hoffman and seconded by Mr. Prue to approve the minutes of the November 7, 2012 Special Meeting. The motion was approved unanimously.

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.

This item is continued from the last meeting. Staff stated that the executed drainage easement to the Town has been reviewed by the Town Attorney and holds the Town harmless from any liability. This easement will be recorded prior to the Town's acceptance of Lindsey Lane.

A motion was made by Ms. Hoffman and seconded by Mr. Tamsky to approve the removal of stipulation #3 from the 1/6/04 approval of PZ0341SD with new stipulation added that applicant pay the Town of Stonington \$3,500.00 for maintenance of the stormwater system prior to the Town's acceptance of the road. The motion was approved 4 to 1.

Roll call: Prue – approve, Tamsky – approve, Hoffman – approve, Lynch – approve. Marseglia – oppose

A motion was made by Mr. Tamsky and seconded by Mr. Prue to find the Town's acceptance of Lindsey Lane as a public street consistent with POCD per CT General Statutes Section 8-24. The motion was unanimously approved.

12-250ZON Georgia Dervos - Zoning Permit application for change of user & construction of a 40' x 5' overhang (parking lot side of building) & a 24' x 5' eave (front of building), for Whistle Stop Pizza Restaurant. Property located at 15 Palmer St., Pawcatuck. Assessor's Map 4, Block 6, Lot 2. Zone DB-5.

Staff presented the application. No extra seats for the restaurant are proposed.

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A motion was made by Mr. Tamsky and seconded by Mr. Prue to approve the application with the exception of the 24' x 1' front overhang which cannot be approved due its location in the Palmer Street right-of-way. 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.

Project architect Steven Way and applicant John Arruda spoke on behalf of the application.

A motion was made by Mr. Prue and seconded by Ms. Hoffman to approve the application with 4 stipulations. The motion was unanimously approved.

Stipulations:

1. Signage shall comply with Section 7.12 of the regulations.
2. Final plans shall include bicycle rack per Section 7.10.4.6.
3. All improvements shall comply with Flood Hazard regulations as determined by the Building Official.
4. Species of plantings shall be approved by staff.

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.

Staff presented the application. The Town Engineer recommended reducing the bond to no less than \$10,000 in order to cover minor repairs. The Pawcatuck Fire Marshal recommended a new water loop for increased fire protection due to low water pressure in area. Staff said Westerly Water Co. stated that water pressure is adequate.

Jim Chambers of Pequot Development Associates addressed the Commission and agreed with the Town Engineer's recommendation to reduce the bond amount to \$10,000. The development was built according to PZC-approved plans that did not include a new water loop for increased pressure.

First Selectman Edward Haberek, Jr. addressed the Commission, noting that the Westerly Water Co. had completed a study showing the water pressure was adequate, although not ideal.

A motion was made by Ms. Hoffman and seconded by Mr. Prue to reduce the bond amount to \$10,000. 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).

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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.

A motion was made by Mr. Tamsky and seconded by Mr. Prue to table this item until the next meeting. The motion was unanimously approved.

Public Hearings:

PZ1225SUP Mystic Spine & Sport, LLC (Alfred Furtado) – Special Use Permit application for 5,500± square foot health club in existing building. Property located at 100 Mechanic St., Pawcatuck. Assessor's Map 4 Block 7 Lot 16. Zone M-1.

Attorney Andrew Cellemme presented this application. The PZC recently approved a text amendment to allow health clubs in the M-1 Zone under certain requirements. Mr. Cellemme reviewed the application's compliance with the standards for granting a Special Use Permit.

Applicant Alfred Furtado stated he will meet all the requirements from the Building Official regarding ADA compliance. Mr. Prue expressed concerns over potential conflicts between customer parking and truck traffic.

Public comment: 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. Tamsky and seconded by Mr. Lynch to approve the Special Use Permit waiver requests. The motion was unanimously approved.

A motion was made by Mr. Tamsky and seconded by Ms. Hoffman to approve the Special Use Permit applications with one stipulation. The motion was unanimously approved.

Stipulation:

1. Applicant will present a parking plan to the satisfaction of staff prior to the issuance of a Zoning Permit.

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 located at the corner of Harry Austin Dr. & Masons Island Rd., Mystic. Assessor's Map 160 Block 4 Lot 4. Zone M-1.

This application was continued from the 11/7/12 meeting. Seated for the application were Commissioners Tamsky, Hoffman, Marseglia, Prue, and Young. Mr. Prue confirmed that he reviewed the recording and exhibits of the last hearing date.

Staff Comments:

Staff stated that the hearing cannot be further continued after this meeting without an extension from this applicant. Staff reviewed comments from The Town Attorney dated

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11/19/12 which summarized legal briefs by the attorneys for both the applicant and neighbors opposing the project. The Town Attorney felt the applicant's attorney has better arguments. Additional research was done into the Commission's 2003 interpretation of the location of the Zoning District boundary. Previous Zoning Maps show the boundary in different locations. The Town Attorney felt that the Commission's 2003 interpretation and the current Zoning Map should remain the district boundary.

Staff summarized comments from other departments and agencies. CTDOT declined to further analyze a left turn lane at the Rt. 1 / Masons Island Road intersection. CTDEEP's Natural Diversity Database was discussed. An application must be submitted to the State prior to construction to ensure protection of listed species.

Chairman Marseglia read ZR section 6.5.2 which allows the Commission to set extra buffer requirements from residential properties.

Rebuttal:

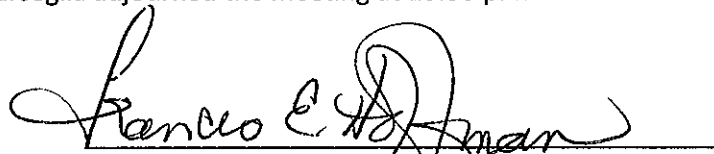
Attorney Ted Harris represented the applicant. A waiver of the requirement for a 3-D rendering was requested but is no longer necessary based on revisions made.

Project Architect John Walsh projected revised building plans showing a reduction in the calculation of gross floor area to 7,930SF. The 2nd floor will be used for mechanical equipment and medical record storage. Commercial use of the 2nd floor would require significant building modifications and Commission and Fire Marshal approval, and no 3rd floor is possible. A 3-D animated rendering of the development was presented. Exterior materials will be cedar siding similar to that used at 60 Willow Street.

Traffic Engineer Scott Hesketh presented revisions to the project's traffic study. Existing area traffic was modified to account for increased summer traffic and the YMCA summer camp program. Projected traffic congestion is still insignificant.

A motion was made by Mr. Tamsky and seconded by Mr. Prue to continue the hearing to the December 4, 2012 meeting. The motion was unanimously approved. Attorney Harris provided an extension to keep the hearing open.

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 10:30 p.m.



Frances Hoffman, Secretary