

## Special Meeting

The 1480<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, December 4, 2012 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Robert Marseglia at 7:01 PM. Present for the meeting were Commissioners Bob Mercer, John Prue, and Ben Tamsky; Alternates Gardner Young and Curtis Lynch, and Town Planner Keith A. Brynes. Commissioner Frances Hoffman arrived at 7:06 PM.

**Commission Initiatives:**

Discussion of 2014 Plan of Conservation and Development – Mr. Prue gave a recap of the December 3, 2012 Public Input Meeting, noting that attendance was less than desired and there wasn't any one strong direction received from the community as a whole, although there is a move towards open space and conservation. Mr. Lynch agreed, stating concern over the need to update and inventory existing open space and the desire to identify "don't wants" as well as "wants." Mr. Tamsky feels the desire is for municipally owned and maintained open space, noting the need for the Board of Finance to address the associated costs.

Seated were Mr. Mercer, Mr. Marseglia, Mr. Tamsky, Mr. Prue, and Ms. Hoffman.

**Approval of Minutes:**

A motion was made by Ms. Hoffman and seconded by Mr. Tamsky to approve the minutes of the November 20, 2012 meeting. The motion was approved, 4-0-1.

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

**Administrative Review:**

**Francis W. & Diane M. Chamberland** – Request for residential boat access through Non-Infringement Area. Property located at 32 Riverbend Dr., Mystic. Assessor's Map 165, Block 1, Lot 2. Zone GBR-130.

Mr. Brynes presented the request, noting that the activity is incidental to the residential use and there was no opposition from Carol Syzmanski of the DEEP.

Paul Biscuti, P.E., representing the applicant, explained the permitting processes for both the DEEP and the Town, explaining that there will be minimal earth disturbance, including that needed for erosion and sedimentation controls.

Ms. Hoffman questioned whether the Regulations referencing this activity were for public access only. Mr. Brynes explained that the intent of the regulation was to allow property owners along the coast to have docks and access to them. Mr. Tamsky wished to see this type of application routed to DEEP.

A motion was made by Mr. Tamsky and seconded by Mr. Mercer to approve the request. The motion was unanimously approved, 5-0.

**Discussion of Open Space for PZ1112SD & SUP Richard C. Panciera Remainder Trust II & associated settlement agreement.** Property located at Mary Hall & Greenhaven Roads, Pawcatuck, CT. Assessor's Map 7, Block 1, Lot 44. Zones RA-20, RM-20, & RR-80.

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Mr. Brynes explained the open space issue for this approved application, noting that the necessary deeds and mylars have since been filed so a discussion was no longer needed. Mr. Lynch questioned the open space process and Mr. Brynes suggested the Conservation Commission and the PZC meet to discuss that subject.

The applicant's attorney, Tom Ligouri, explained that the issue arose because only 2 parcels of open space were wanted by the Land Trust and a third had to be deeded to the Town.

**Old Business:**

**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.

Seated were Mr. Mercer, Mr. Marseglia, Mr. Tamsky, Mr. Young, and Ms. Hoffman.

Mr. Brynes presented the bond release request, stating that the Town Engineer and Fire Marshal had no objections to releasing the bond.

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

**PZ1226BR New England Design Builders** - Application for release/reduction of Erosion & Sedimentation Control bond posted to satisfy requirements of proposed construction activity (wetlands crossing), related to application PZ0322SD, a 10-lot subdivision of property located at Flanders & Deans Mill Rd. Assessor's Map 107 Block 1 Lot 8; Map 106 Block 1 Lots 2 & 34. Zone RR-80. Original bond instrument is a Bank check in the amount of \$11,565.00.

Seated were Mr. Mercer, Mr. Marseglia, Mr. Tamsky, Mr. Prue, and Ms. Hoffman.

Mr. Brynes presented the bond release request, stating that the Town Engineer had no objections to releasing the bond since any additional wetland crossings would require reapplication to the Wetlands Commission and subsequent bonding.

Applicant Ken Boyer explained that no roads were built so there was no Public Improvement bonding.

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

**PZ1227BR New England Design Builders** - Application for release/reduction of Erosion & Sedimentation control bond posted to satisfy requirements of proposed construction activity related to application PZ0341SD, a 6-lot subdivision of property located on Greenhaven Rd., Pawcatuck, CT (Lindsey Lane). Assessor's Map 35 Block 2 Lot 3. Zone RA-40/RR-80. Original bond instrument is a Bank check in the amount of \$8,000.00.

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Mr. Brynes recommended tabling the application until comments have been received from Public Works.

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

**PZ1229CAM Eleanor & Colin McKay** - Coastal Area Management Review for demolition of existing single family residence, foundation, and portions of septic system, and construction of new SFR and septic system. Property located at 52 Old North Rd., Mystic. Assessor's Map 175 Block 2 Lot 1. Zone RM-15.

Mr. Brynes recommended tabling the application.

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

**Public Hearings:**

**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 public hearing was continued from the 11/20/12 meeting. Seated for the application were Mr. Tamsky, Ms. Hoffman, Mr. Marseglia, Mr. Prue, and Mr. Young.

**Rebuttal:**

Patrick Lafayette, the applicant's engineer, described the proposed stormwater drainage system, noting that site discharge will be reduced from current amounts and stating that there will be a contractor to maintain the system. He discussed the handling of shredded, medical, and household waste from the proposed dental office, stated that a crosswalk will be painted, a mirror to aid backing from difficult spaces will be provided, and the fire hydrant will be brought onto the property. Mr. Tamsky asked about the traffic flow in the parking area and around the building. Ms. Hoffman questioned whether gravel, rather than asphalt, had been considered for the parking lot. Mr. Lafayette explained that it was worse because it moves with the constant traffic and parking.

The applicant's attorney, Ted Harris, said that the sewer right-of-way has been submitted to the Board of Selectmen for action. He discussed the PZC zone line approval from 2003, the history of the approval of Masons Island Rd. as a Town road and the need for additional buffers, and the interpretation of the Regulations regarding the IHRD zone design being mixed use rather than residential. He explained Connecticut State Statutes and Town Zoning Regulations regarding vacant lots and non-conformities, the existing YMCA sign on the site and the developer's intention to allow it to remain, and the lack of endangered species on site, as found by Soil Scientist Don Fortunato.

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Project Architect John Walsh responded to Mr. Tamsky's request to reduce the building roof pitch and square footage, stating that the ADRB was pleased with previous changes to the design and that the building was no higher than the average home. Ms. Hoffman would like to see the building's orientation changed.

**Public Comment Against:**

Attorney William McCoy submitted two exhibits supporting his belief that CGS 8.2 doesn't cover vacant lots and ZR 2.9 doesn't apply to commercially zoned lots. He is of the opinion that IHRD-zoned parcels are Residential, thus requiring additional buffers, and that the proposal doesn't conform to the character of the residential neighborhood. Mary Rioux felt that the presentation shown at the previous meeting was distorted in size and relation. Mary Fort Boyle urged Commission rejection of the application. Andy Bellingheri wanted a more relevant traffic study. David Bishop presented a scaled model of the site and surrounding area, stating that a second floor should not be permitted and the 100' buffer should come from the center of the street. He requested that, should the Commission approve the application, they stipulate that the second floor be removed and the roof lowered to blend with the roof over the first floor wings. Tiffany Stanton also felt the presentation was distorted and inaccurate. Jim Stanton stated that it was not a "taking" if the property is not permitted to be developed. James Buckley disagreed with the 2003 PZC zone line approval and the proposed setbacks and buffers. Ray Parker asked if the Commission had waived the requirement for the 3-D model and questioned who would maintain the stormwater system when the building is abandoned. Heidi Kerfus would like the building to be smaller with less paved area. Mary Blanchet was concerned with the potential for increased traffic and the need for changes at the Route 1 and Masons Island Rd. intersection.

Town Planner Keith Brynes read an email from Attorney Mark Kepple requesting the Commission consider a stipulation of approval allowing existing non-conforming YMCA signage on the subject property to be continued. He noted that a traffic study must demonstrate congestion to be a consideration for Commission denial of an application.

Project Architect John Walsh stated that the applicant wishes to have the building roofline remain as proposed but was willing to look at the rear elevation to see if it was possible to move the entrance to the side and make it appear less than "the back of the building." He noted that Dr. Flanagan, the potential tenant, does have need for storage on the second floor. He explained that the modeling presentation and 2-D drawings were created using CAD and all representations are accurate and scaling is true and correct, including the height. Mr. Walsh stated that he is a professional architect and takes offense that he would be accused of misrepresentation to deceive opponents of the project.

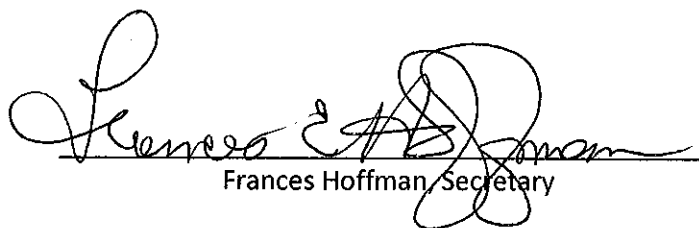
Attorney Harris stated that the Regulations do provide for relief in commercially-zoned lots. He noted that the Police Commission agreed with the information in the Traffic Reports, and the maintenance of the stormwater system is the responsibility of the property owner and failure to do so would be a violation of the Special Use Permit, allowing for Town enforcement action. He explained that the Regulations allow for a 3-D alternative to be provided, the proposed use is minimally disturbing, and the application meets the Regulations.

A motion was made by Mr. Tamsky and seconded by Mr. Prue to close the public hearing. The motion was unanimously approved.

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Mr. Lynch felt the applicant needed to go before the ZBA for a variance and also wished to have the Commission compare application architect John Walsh's and resident David Bishop's project models. Mr. Mercer felt the building design was pleasing and repositioning the structure might increase traffic to the residential side of the site, additionally noting that dumpsters are required for commercial projects. He agreed with Attorney Londregan's determination that the site is a legal non-conforming lot. Commissioners discussed holding a special meeting on January 8, 2013 for deliberations on the application. Mystic Middle School is the preferred site for the meeting, to be confirmed pending availability.

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 11:45 p.m.



Frances Hoffman, Secretary