

Regular Meeting

The 1483rd meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, January 15, 2013 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman Robert Marseglia at 7:00 PM. Present for the meeting were Commissioners Robert Marseglia, Bob Mercer, Ben Tamsky, Frances Hoffman, and John Prue; Alternates Gardner Young, Eric Beverly, and Curtis Lynch; and Town Planner Keith A. Brynes.

Seated for the meeting were Rob Marseglia, Bob Mercer, John Prue, Ben Tamsky, and Frances Hoffman

Commission Initiatives:

Discussion of 2014 Plan of Conservation and Development – Mr. Brynes stated that the date for the next bi-monthly meeting of the POCD Subcommittee is scheduled for January 22. He noted that, at last count, there have been over 650 responses to the questionnaire.

Discussion of Technical Standards Document Adoption – Mr. Brynes mentioned to the Commission that he had sent them the first draft revision of the Subdivision regulations in relation to the adoption of the final Technical Standards, suggesting PZC review prior to adoption process. Commissioners questioned what the approval adoption process was and what regulations or standards would an applicant rely on if changes are made after they get information, but prior to submitting an application. Mr. Marseglia suggested scheduling meeting time to discuss the Subdivision Regulations changes and the Technical Standards document. Mr. Prue felt there should be a joint meeting with the Board of Selectmen, PZC, Town Engineer, and Director of Public Works, and said he believed Town Attorney Jeff Londregan had sent a memo that lays out the adoption steps. Mr. Brynes said it was likely DPW Director Joe Bragaw had the memo and he would meet with him to arrange a joint meeting. It was agreed to set aside some time at a PZC meeting to first discuss the proposed changes to the Subdivision regulations prior to setting the public hearing for the regulation amendment.

Discussion of modifications to Section 6.6.7 - Excavations and Filling - Mr. Tamsky would like to see the Commission find time to address this issue. Commission agreed that, given their less busy agendas, they would schedule meeting times to bring the item to conclusion.

Discussion of Zoning Board of Appeals A-2 survey waiver procedure - Mr. Brynes explained that he was still waiting to meet with the Zoning Board of Appeals to get their input. ZBA meetings in the past few months have either been cancelled or had conflicting meeting schedules.

Meeting Minutes:

Ms. Hoffman motioned to accept the minutes of December 18, 2012 meeting. Mr. Tamsky seconded. The motion was approved 3-0-1.

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

Mr. Brynes announced that the applicant for **PZ1230SD & GPP Rowley, LLC (Allied Dev. Ptrnrs., LLC)** – Subdivision and Groundwater Protection Permit applications for an 11-lot Open Space Development Subdivision with a 742'± cul-de-sac. Property located at 615 North Stonington Rd., Stonington. Assessor's Map 115 Block 1 Lot 1, Zone GBR-130, has requested a continuance of the public hearing to the 2/5/13 meeting.

Administrative Review:

12-270 ZON Mystic Motor Inn, Inc. - Zoning Permit application for deck addition to facilitate fire escape egress. Property located at 5 Williams Ave., Mystic. Assessor's Map 174, Block 12, Lot 10. Zone LS-5.

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Mr. Brynes explained the Fire Department's requirement that the applicant build the deck addition in order to provide correct fire egress, noting that the work has already been done.

Applicant Jody Dyer explained why the stairs and deck addition were built as they were, noting that providing for safety was necessary, the cost of building plans was prohibitive, and she would lose her liquor license if this wasn't completed.

Mr. Prue questioned the property address and Mr. Brynes explained that, based on the Assessor's property card, it is 5 Williams Ave., as shown in the application description. Mr. Marseglia stated that he would like to see better plans with a greater accuracy in the rendering in order to avoid future complications. Ms. Hoffman felt there should be certain plan standards that all applicants are held to. Upon questioning, Mr. Brynes explained that plans submitted with deck applications are often very primitive and not to scale. Mr. Tamsky noted that there are different standards for public and private space. Mr. Mercer asked whether the applicant would be able to provide a plan view that addresses the zoning requirements.

Mr. Fred Dolman, a contractor assisting the applicant, explained that he was going out of town for a few days but would try to get an acceptable rendering done by the end of the week.

Attorney for the applicant, Maria Ackley, spoke to the Commission, asking that they make their expectations of requirements for the rendering clear.

Ms. Hoffman made a motion to approve the request with a stipulation. Mr. Prue seconded the motion. The motion was unanimously approved, 5-0.

Stipulation:

1. Prior to issuance of the building permit, plans shall be submitted that show the appropriate scale with context dimensions to the building and a properly dimensioned plan view of the deck.

Old Business:

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 explained that the applicants have requested withdrawal of their application.

PZ1231SD & GPP Robert & Margaret Gilbert - Subdivision and Groundwater Protection Permit applications for a 2-lot subdivision. Property located at 704 Al Harvey Rd., Stonington. Assessor's Map 114 Block 1 Lot 2. Zone RR-80.

Mr. Brynes recommended tabling the application, explaining that the application has yet to be reviewed by the Conservation Commission.

Mr. Prue motioned to table the application. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

PZ1232BR LCS Westminster, LLP (StoneRidge) - Request for release of \$14,000.00 cash bond posted for activities associated with PZ0031SUP development of property located at 186 Jerry Brown Rd., Assessor's Map 150 Block 1 Lots 15, 16 & 25, Zone RA-40. Original bonding of \$350,000.00 was reduced to \$175,000.00 on 1/10/05, further reduced to \$14,000.00 on 6/13/05.

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Mr. Brynes recommended tabling the application, explaining that Staff has not received comments back from a number of officials.

Mr. Prue motioned to table the application. Mr. Tamsky seconded. The motion was unanimously approved.

The Commission took a 10-minute recess.

Public Hearing(s): 7:30 p.m.

PZ1228RA Town of Stonington PZC – Regulation Amendment to provide conformance with CT Public Act 12-101, effective 10/1/12. The Act modifies the State's jurisdiction over coastal resources, re-establishing a new Coastal Jurisdiction Line (elevation 2' (NAVD 88)). The amendment matches Town ZRs to the State law, limiting potential confusion when determining countable land for calculating bulk requirements.

Mr. Brynes explained that this amendment would update the Wetlands Proration and Flood Hazard Overlay District regulations to conform to the recently enacted CT Coastal Jurisdiction Line of elevation 2'.

Commissioners discussed how the elevation line is determined, how land proration is effected by the change, and how the CJL may change over time. Mr. Lynch asked if there would be any large changes in parcels; Mr. Brynes said there were not. Commissioners discussed areas of the POCD that would be affected and the need to address how to implement the changes.

Mr. Brynes discussed comments from the Zoning Official, Conservation Commission, and CT DEEP OLISP; and read Carlene Donnarummo's comments into the record. He stated that no members of the public had either signed up or were present to speak.

A motion was made by Mr. Prue to approve the application as amended. Mr. Mercer seconded the motion. The motion was unanimously approved. Effective Date: 2/4/13.

Amendments:


1. ZR 7.7.3 - Change the words "greater than" to "above."
2. ZR 7.7.3 - Add the words "of 2' (NAVD 1988)" after Connecticut Coastal Jurisdiction Line.

To read as follows:**7.7.3 Minimum Lot Area Requirement in Flood Hazard Zones.**

All portions of a lot located in a Flood Hazard Zone at elevations above the State of Connecticut's Coastal Jurisdiction Line of elevation 2' (NAVD 1988) may be counted towards lot area, and other bulk requirements. In no event shall land below the Coastal Jurisdiction Line of elevation 2' (NAVD 1988) be counted for any density, area, setback or buffer requirement. (Also see Section 7.5.2)

Mr. Tamsky stated that he was looking forward to changes in how substantial improvement is assessed and applied.

A motion was made by Mr. Tamsky and seconded by Mr. Mercer to adjourn. The motion was unanimously approved. The meeting was adjourned at 8:25 p.m.


 Frances Hoffman, Secretary