

Special Meeting

The 1484th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, February 5, 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 – John Prue stated that Wendy Bury of the Economic Development Commission have put together a number of options for M-1 zone in order to utilize the zone as best possible. Mr. Tamsky & Ms. Hoffman are interested in hearing these ideas. Mr. Marseglia questioned if the format should be a workshop or presentation. After discussion, the majority of members agreed that when the application load was light, the topic could be added to a future meeting agenda.

Discussion of agricultural uses in the LI-130 zone and expansion of legally non-conforming residential uses in commercial zones - Mr. Prue questioned if this initiative should be dropped from the agenda. Mr. Tamsky stated he agreed it should be dropped. Ms. Hoffman suggested the POCD keep this initiative on their schedule. Mr. Brynes stated that the topic will likely be discussed at future POCD meeting. Commission consensus was to remove this item from Commission Initiatives.

Meeting Minutes:

Ms. Hoffman motioned to accept the January 8, 2013 meeting minutes as amended. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

Ms. Hoffman motioned to accept the January 15, 2013 meeting minutes. Mr. Tamsky seconded. The motion was unanimously approved.

ZEO - Pending Variances, A-2 survey waiver requests:

ZBA #13-02 Arthur & Karen Erikson – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the side yard setback from 75' to 35' for expansion of an existing deck. Property located at 230 Palmer Neck Rd., Pawcatuck. Assessor's Map 56 Block 1 Lot 3. Zone RC-120

Mr. Brynes shared ZEO Joe Larkin's summary and agreed with his recommendation to approve the A-2 waiver. Mr. Prue motioned to approve the waiver of the A-2 survey. Mr. Tamsky seconded. The motion was unanimously approved.

Administrative Review:

ZON13-015 Sea Dog Realty, LLC (Alene Whipple) - Zoning Permit application for change of use (Bait & Tackle sales to Retail) & associated signage for Mystic Sea Well Seafood. Property located at 106 Masons Island Rd., Mystic. Assessor's Map 160, Block 6, Lot 2. Zone MC-80

Mr. Brynes stated that bait shops & retail are permitted uses in the MC-80 zone, but since only retail is proposed in this application, it is a change of use, noting that the store will be similar to the Pawcatuck Sea Well Seafood. Mr. Tamsky inquired about parking requirements, and Mr. Brynes noted that the zoning regulations requirement is only two parking spaces. Mr. Tamsky motioned to approve the application. Mr. Mercer seconded. The motion was unanimously approved.

Old Business:

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.

Special Meeting

The applicants' representative, Attorney Theodore Ladwig, explained the request to divide the 4.79 acre lot in order to sell one parcel to a family member. Both the Wetlands and Conservation Commissions have approved the application, with the Wetlands Commission recommending a fee in-lieu of open space. There was discussion as to whether an existing shed on proposed lot#2 would be remaining. The issue was resolved when closer examination of the site plan showed the structure to meet the required setback. Mr. Ladwig stated there is no requirement for right-of-way access. Mr. Brynes explained that the Groundwater Protection Permit was submitted as part of the application. It was noted that the fee in-lieu of open space is determined by staff based on an appraisal. Mr. Brynes indicated it's typical to approve an application with the stipulation that the applicant get an appraisal and submit it to Staff.

Mr. Tamsky motioned to approve the application. Ms. Hoffman seconded, adding that approval should be with the stipulations recommended by staff. Mr. Marseglia read aloud the 4 stipulations. Mr. Tamsky asked for clarification on stipulation #4. The motion was unanimously approved.

Mr. Prue motioned to approve Groundwater Protection Permit and Mr. Mercer seconded. The motion was unanimously approved.

Stipulations:

1. Final plans shall include all stamps and signatures for surveyor, engineer and soil scientist.
2. Final plans shall include zoning table with information on bulk requirements.
3. Final plans shall include new address and Assessor's lot numbers as assigned by the Town.
4. The applicant shall hire a state certified real estate appraiser, acceptable to the Department of Planning, to conduct an appraisal of the land. A fee in lieu of open space equal to 10% of the value of the land shall be applied to all lots in the subdivision. The Final Plans must include the following statement: "A Fee-In-Lieu of Open Space of \$_____ [amount shall be determined prior to final plans are recorded on the land records] was approved by the Planning & Zoning Commission, each new lot shall be assessed [1/2 of the 10% value]."

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., Assessors 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.

Mr. Brynes recommended tabling the application until the next meeting. Mr. Prue motioned to table the application. Mr. Tamsky seconded. The motion was unanimously approved.

PZ1301CAM Thomas & Lorraine Pandolfe (Amity Construction & Design) – Coastal Area Management Review for demolition of existing single family residence and construction of new single family residence. Property located at 14 Quarry Path, Stonington. Assessor's Map 129 Block 6 Lot 4. Zone RM-20 & RC-120.

Mr. Brynes recommended tabling the application until the next meeting. Mr. Prue motioned to table the application. Mr. Tamsky seconded. The motion was unanimously approved.

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

Ms. Hoffman read the call for the public hearing at 8:00 pm.

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. *Continued from 1/15/13 meeting.*

Mr. Patrick Gallagher of Allied Development Partners, spoke on behalf of this Open Space Development application, explaining that the parcel his client wishes to subdivide currently has a residence on it. He noted that the

Conservation Commission is in favor of the project's 50-acre open space set aside. Mr. Gallagher confirmed that the open space will not be touched, noting that the percentage of wetlands in the open space has been reduced. He stated that Avalonia Land Conservancy owns much of the adjoining properties and are in preliminary talks with them in regards to continuing existing walking trails.

Project Engineer Pat Lafayette, of Development Solutions, explained the various engineering aspects of the 11-lot subdivision, stating the proposed lots are at least 40,000 sq. ft. for homes in the 2500-3200 sq. ft. size range, with individual well & septic utilities. Open Space dedication is 50% of the total parcel. Discussion regarding Lot #6 yielded comments that part of the parcel could be dedicated as conservation area, and the IWWC requirement for a wetlands permit prior to development.

Mr. Tamsky inquired about the side yard setback violation of Lot #1 on the conventional subdivision plan. Mr. Lafayette noted that he had discussed a potential solution with Mr. Brynes that would permit 11 lots. Mr., Tamsky stated he would like Commission consensus that the lot shall be shown to be in conformance. Mr. Prue felt that having a conservation easement on Lot#6 would add further protection. Mr. Gallagher stated that Conservation Commission is going to send recommendations to PZC. Ms. Hoffman raised the issue of potential changes to the Wetlands Regulations after the fact. Ownership of the open space was discussed.

Mr. Lynch questioned the management of water runoff for the proposed road and houses. Mr. Lafayette described the proposed drainage system of catch basins, water quality basin, and low-lying sinkhole/drainage ditch. Ms. Hoffman questioned resolution of increased storm water runoff potential. Mr. Lafayette explained that, as there are no curbs on roads, the water sheds and drains to the sides, and the basin has several stages that gradually allow the water to drain out.

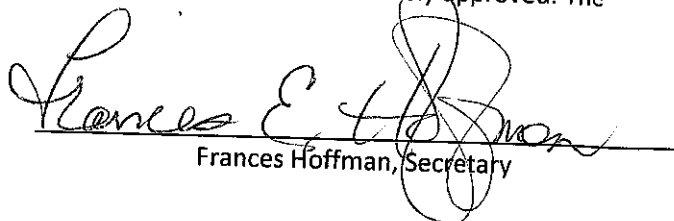
Mr. Mercer mentioned a letter from Gary Winalski, a local engineer representing an unknown client, possibly an abutting property owner. After discussion, it was decided to table the application, continuing the public hearing to the 2/19/13 meeting since no one has had the opportunity to review Mr. Winalski's letter that was submitted very late in the day. Town Engineer Larry Sullivan, is still reviewing this application and will also review Mr. Winalski's comments.

There were no comments from the public on this application. The public will be able to comment on any new information at the continued public hearing.

Mr. Brynes noted that the regulations allow for driveways in the 40-ft. perimeter buffer but doesn't specifically state that driveways running along the buffer are permitted. Mr. Lafayette submitted Exhibit #3 featuring a picture of the front property wall and the existing vegetation, noting that the wall would be on the left of the driveway accessing the open space, still in the 40-ft. buffer. Mr. Brynes read aloud the regulation for the buffer in order to clarify the requirements. The buffer restrictions will be dedded into the parcel descriptions. Mr. Lynch requested the buffer demarcation on the site plan be represented using different colors. The applicant agreed to provide the information on the updated site plan at the public hearing continuation.

Mr. Tamsky motioned to continue the public hearing to 2/19/13. Mr. Prue seconded. The motion was unanimously approved.

Mr. Tamsky motioned to adjourn the meeting. Mr. Prue seconded. The motion was unanimously approved. The meeting was adjourned at 8:55 p.m.


Frances Hoffman, Secretary